

605923

ACCOUNTS AND PAPERS:

TWENTY-NINE VOLUMES.

— (28.) —

STATE PAPERS.

ABYSSINIA—ZOLLVEREIN.

Session

7 February — 6 July 1865.

VOL. LVII.

1865.

ACCOUNTS AND PAPERS:

1865.

TWENTY-NINE VOLUMES:—CONTENTS OF THE TWENTY-EIGHTH VOLUME.

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CORRESPONDENCE

RESPECTING THE

ATTACK

ON

ST. ALBANS, VERMONT;

AND

NAVAL FORCE

ON THE

NORTH AMERICAN LAKES.

WITH APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Attack on St. Albans, Vermont;
and Naval Force on the North American Lakes.

No. 1.

Viscount Monck to Mr. Cardwell.—(Received November 10.)

Sir,

Government House, Quebec, October 27, 1864.

I HAVE the honour to report that on the morning of Thursday the 20th instant I received a telegram, dated the previous day, from Mr. Gregory Smith, Governor of the State of Vermont, of which I inclose a copy (Inclosure 1), informing me that a party of armed men from the Province of Canada had invaded the State, robbed the banks at St. Alban's, and committed other depredations.

As no mention of this outrage appeared in any of the morning papers of the 20th I was at first inclined to doubt the authenticity of the telegram, and therefore addressed to the Governor of Vermont the telegram, copy inclosed (Inclosure 2).

I at the same time caused a telegram to be addressed to Mr. Coursol, police magistrate at Montreal, desiring him to proceed immediately to the frontier with a force of police, and to assist in the arrest of the perpetrators of this outrage, if they should make their appearance on Canadian soil.

I also telegraphed to the Lieutenant-General commanding, requesting him to give directions to the military quartered at St. John's, to hold themselves in readiness to co-operate with Mr. Coursol and the police, should any necessity for their services arise, which request was at once complied with by Sir F. Williams.

Shortly after I had taken these steps a telegram was received from Mr. Coursol by the Attorney-General, informing him that he had been applied to for assistance in the detection and arrest of the perpetrators of the outrage by some of the inhabitants of St. Alban's, and that he had sent with them a force of police for that purpose, and very shortly after a telegram arrived from the same officer, announcing that several of the persons engaged in the attack on St. Alban's had been arrested, and a large amount of the money stolen from the banks had been recovered.

On receiving this information I sent to the Governor of Vermont the telegram, copy inclosed (Inclosure 3).

The steps adopted by the police authorities were successful, and thirteen of the parties concerned in the attack on St. Alban's have been arrested, and are now in custody in Canada. A large amount of the money stolen from the banks has also been recovered.

I received on the 21st from the Governor of Vermont the telegram, copy inclosed (Inclosure 4).

The preliminary investigation preparatory to a formal demand for the extradition of the prisoners is being held at St. John's, where the captured men are in confinement, and I have been notified by telegram from Her Majesty's Representative at Washington that an application for the delivery of these men to the authorities of the United States is now on its way from thence.

I am happy to be able to say that there is no reason to believe that any British subject has been in any way a participator in this affair.

I inclose extracts from several newspapers, which I think give a fair account of the transaction.

I also inclose a letter copied from the "Evening Telegraph" of Montreal, and addressed to the editor of that paper by Mr. Bennett H. Young, one of the persons in custody, from which you will observe that he asserts that the enterprize was engaged in

with the consent and under the authority of the President of the so-called Confederate States of America, and that the perpetrators are commissioned officers of those States.

As far as I have been able to learn, no sympathy with the persons engaged in this outrage has been expressed in Canada, and the press throughout the Province unanimously denounces the attack upon a peaceful and unarmed community.

I have deferred until to-day making my official report of this transaction, in the hope that I might thereby be enabled to give it more in detail and with greater accuracy.

I shall not fail to keep you informed of the results of the investigation which is now being held at St. John's before Mr. Coursol, and I hope the steps which I feel it my duty to take in the matter will meet with your approval.

I have, &c.
(Signed) MONCK.

Inclosure 1 in No. 1.

The Governor of Vermont to Viscount Monck.—(Received in Quebec, October 19, by the Governor-General, October 20.)

A PARTY of raiders from the Province of Canada have invaded this State, have robbed all the banks in St. Alban's, killed several citizens, and are plundering and destroying property.

(Signed) J. GREGORY SMITH.

Inclosure 2 in No. 1.

Viscount Monck to the Governor of Vermont.

Quebec, October 20, 1864.

I HAVE this morning received a telegram purporting to be signed by you, in these terms:—

"A party of raiders from the Province of Canada have invaded this State, have robbed all the banks at St. Alban's, killed several citizens, and are plundering and destroying property."

Is this genuine? I have given directions that measures shall be at once adopted for the arrest of the offenders if they should return to Canada. You may rely on cordial co-operation and assistance from this Government. Answer immediately.

(Signed) MONCK.

Inclosure 3 in No. 1.

Viscount Monck to the Governor of Vermont.

Quebec, October 20, 1864.

SINCE my last telegram I have received official reports from my own officers confirming the statement in your message of yesterday. Measures have been adopted to give your officers every assistance in the detection and arrest of the raiders if they should appear in Canada. I have just learned, by telegraph, that six of the robbers, with a large amount of money, have been arrested, this morning, at St. Ann's Bridge.

(Signed) MONCK.

Inclosure 4 in No. 1.

The Governor of Vermont to Viscount Monck.—(Received October 21, from Montpelier.)

YOUR first telegram, acknowledging receipt of mine, with your last, were received at the same moment last evening. Have also received advices of the active aid directed by you in arresting the raiders. From the latest official reports I learn that the raiders, to the number of twenty or thirty, well armed, entered the village of St. Albans, robbed the three banks to the amount of over 200,000 dollars, stole horses sufficient for the use of each man, fired indiscriminately upon the crowd of citizens unarmed, wounding three—one mortally—and set fire to one of the hotels. Immediately started for your province, all being

accomplished within the space of about forty-five minutes. A company of Volunteers from among our citizens, numbering about fifty, organized as quickly as possible, and started in pursuit, pursuing them into Canada. Please accept my hearty thanks for your expressions of consideration and for your hearty co-operation in our efforts to recover the plunder and bring the offenders to justice.

(Signed) J. GREGORY SMITH.

Inclosure 5 in No. 1.

Extract from the Quebec "Morning Chronicle" of October 26, 1864.

WE have just received the following letter from Lieutenant Bennett H. Young, commanding the party of raiders on St. Albans, and hasten to give it the publication asked for it, with no other comment than that it in no respect changes our previously expressed opinions:—

"Freelighsburg, Canada East, October 21, 1864.

"To the Editor of the 'Evening Telegraph.'

"Through the columns of your journal I wish to make some statements to the people of Canada in regard to recent operations in Vermont. I went there for the purpose of burning the town and surrounding villages, as a retaliation for recent outrages in Shenandoah Valley and elsewhere in the Confederate States. I am a commissioned officer in the 'Provisional Army of the Confederate States,' and violating no law of Canada. I do not wish my name connected with the epithets now applied without a knowledge on the part of the people as to who we were, and why our action. I wish, also, to make a few statements as to how myself and party were taken. I was seized, on Canadian soil, by American citizens, with arms in their hands, and violently searched; my pocket-book taken, and I forcibly placed in a buggy between two men, and started towards the United States. I reached out my hand and caught the rein, when three pistols were levelled at my head, with threats to shoot the 'd—n scoundrel' dead if he moved. Some Canadian citizens then spoke up, and seeing a bailiff, they started with me towards him, two of them holding arms in their hands. These statements can be proved by Canadian citizens. Bands of American citizens came into this place, and even beyond it, brandishing their guns and attempting to kill some of us after we were in the hands of the English authorities. Surely the people of Vermont must have forgotten that you are not in the midst of war, and ruled by a man despotic in his actions, and supreme in his infancy! I am not afraid to go before the Courts of Canada; and when the affair is investigated, I am satisfied they, not my party, will be found the violators of Canadian and English law. Some one, I hope, will be sent to investigate this breach of neutrality, and award to those American citizens doing armed duty in Canada the just merit of their transgression.

"Hoping you will give this a publication, I remain, &c.

(Signed)

"BENNETT H. YOUNG, 1st Lieutenant P. A. C. S."

No. 2.

Viscount Monck to Mr. Cardwell.—(Received November 10.)

Sir,

Quebec, October 27, 1864.

I HAVE the honour to transmit for your information a copy of a despatch which I have felt it my duty to address to Her Majesty's Representative at Washington, and I hope this proceeding on my part will meet with your approbation.

I have, &c.

(Signed) MONCK.

Inclosure 1 in No. 2.

Viscount Monck to Mr. Burnley.

Sir,

Quebec, October 26, 1864.

MY attention has been called to the accompanying extract from the "New York Post," purporting to give the words of an order telegraphed to the officer commanding

at Burlington, Vermont, by Major-General Dix, on the occasion of the late outrage at St. Albans.

I have, of course, no means of knowing whether such an order as that alluded to was ever issued by Major-General Dix, but as it has appeared uncontradicted in the public papers, and contains express directions on the part of an official of the United States for the entry of the troops of that Power on the territory of Her Majesty, I think it my duty to ask you to bring the subject under the notice of the Secretary of State of the United States, with the view that the order may be disavowed or explained.

While no one would be inclined to scan too narrowly the conduct pursued by the citizens of St. Albans, when smarting under the effect of the outrage to which they have been lately unfortunately subjected, it is obvious that an order such as that to which allusion is here made, if issued by a responsible officer of the United States, would be liable to a different construction, and might unless remonstrated against be drawn into a precedent in the future.

You may assure Mr. Seward that there exists amongst the British Authorities in Canada the most earnest desire to use all the powers which the laws confer upon them, in co-operation with the officials of the United States, for the repression and punishment of outrages such as that which has just occurred at St. Albans.

I trust that the proceedings lately adopted in this Province will prove that this declaration is not an empty profession, and will show that the most energetic measures will at all times be used to prevent any aggression on the territory of the United States from Canadian soil, or any abuse of the right of asylum allowed in Her Majesty's dominions.

I am sure Mr. Seward will, on the other hand, see that it is necessary in order to the maintenance of these amicable relations that no act should be done by any civil or military officer of the United States, which might bear the construction of being an infraction of the rights of Her Majesty, or a violation of the soil of her dominions, and that he will believe that this remonstrance is made in no unfriendly spirit, and is prompted by a sincere desire to prevent any just cause of complaint between the two countries.

I have, &c.
(Signed) MONCK.

Inclosure 2 in No. 2.

Extract from the "New York Post."

THE RAID AT ST. ALBANS.—The organization of bands of rebel marauders in Canada, for the purpose of coming within our lines, committing depredations on our property and shooting down our citizens, is of so grave a character as to demand the prompt and decisive action of the Government. If measures are not adopted to put an end to this abuse of the right of asylum and the violation of the duties of neutrality, our citizens on the frontier will take the matter into their own hands. We should deeply regret such unauthorized acts of reprisal. Whatever is done should be done under the authority of the Government. Either the Canadian authorities should be called on to send the rebels, who are getting up predatory enterprises against us, out of Canada, or we should have armed forces on the frontier ready to take summary vengeance on these marauders, and for that purpose to follow them, as we have a right to do, across the lines, if the pursuit is instant. When General Dix was advised of the outrages at St. Albans, he sent the following despatch to the commanding officer at Burlington, Vermont:—"Send all the efficient force you have to St. Albans, and try to find the marauders who came from Canada this morning. Put a discreet officer in command, and in case they are not found on our side of the line, pursue them into Canada if necessary, and destroy them."

The order was carried out so far as to pursue the marauders into Canada, where eight of them were captured. If they had been shot down as they shot down the peaceful citizens of St. Albans, it would have been no more than exact justice. A single example of stern retribution would go far to break up these piratical expeditions. But the Government should take the matter in hand, as a grave international question, and not leave it to local commanders.

No. 3.

Viscount Monck to Mr. Cardwell.—(Received November 10.)

Sir,

Government House, Quebec, October 28, 1864.

I HAVE the honour to transmit, for your information, copies of a despatch and inclosure which reached me this day from Her Majesty's Chargé d'Affaires at Washington, together with my reply to Mr. Burnley.

I have, &c.
(Signed) MONCK.

Inclosure 1 in No. 3.

Mr. Burnley to Viscount Monck, October 23, 1864.

[See Inclosure 6 in No. 4.]

Inclosure 2 in No. 3.

Mr. Seward to Mr. Burnley, October 21, 1864.

[See Inclosure 4 in No. 4.]

Inclosure 3 in No. 3.

Viscount Monck to Mr. Burnley.

Sir,

Government House, Quebec, October 28, 1864.

I HAVE the honour to acknowledge the receipt of your despatch and inclosure of October 23, respecting the course pursued by the Canadian authorities in reference to the perpetrators of the late depredations on St. Albans, Vermont.

I reply, I beg leave to express my satisfaction that the motives and conduct of the Canadian Government have been rightly appreciated by the President of the United States.

I shall feel much obliged if you will communicate to Mr. Seward the substance of this letter.

I have, &c.
(Signed) MONCK.

No. 4.

Lord Lyons to Earl Russell.—(Received November 11.)

My Lord,

Washington, October 28, 1864.

I HAVE the honour to transmit to your Lordship a copy of a note from Mr. Seward, and a copy of a despatch to Mr. Adams, which was inclosed in it.

Your Lordship will see that by this despatch, which was sent off on the 24th instant, Mr. Adams is directed to give notice to your Lordship, "in conformity with the Treaty reservation of that right,* that at the expiration of six months after he shall have made this communication, the United States will deem themselves at liberty to increase the naval armament upon the Lakes, if, in their judgment, the condition of affairs in that quarter shall then require it." In short, Mr. Adams is directed to give the notice which will abrogate the Arrangement of 1817, limiting the naval forces to be employed on the Lakes.

In his despatch to Mr. Adams, Mr. Seward mentions the seizure of the "Chesapeake"† and the "Roanoke" on the high seas, gives a detailed account of the seizure of the steamers "Philo-Parsons" and "Island Queen" on Lake Erie.‡ He then proceeds to relate the circumstances of an attack recently made on St. Albans, a town in Vermont, near the Canadian frontier, by a party coming apparently from Canada.

* See Appendix A.

† See Papers presented to Parliament, "North America, No. 9," 1864.

‡ See Appendix B.

This last matter was first brought to my knowledge by Major-General Dix, military commandant at New York, when I was at that place last week. Having reason to fear that the orders which General Dix told me he had issued might lead to a violation of the British territorial jurisdiction, I despatched immediately a letter and a telegram to Mr. Burnley, instructing him to put himself in communication with Mr. Seward on the subject. I have, since my return to Washington, had more than one conversation with Mr. Seward respecting it. He read to me to-day a report from the military officer who appears to have been in command near St. Albans, from which it appeared that no violation of the Canadian territory had occurred.

I have the honour to inclose papers which will place your Lordship in possession of further details respecting the transaction. Among them your Lordship will find an extract from a newspaper, containing what purports to be a letter from a Mr. Bennett Young, who states that he is a commissioned officer in the Confederate service, and that he led the expedition against St. Albans, for the purpose of burning the town and surrounding villages in retaliation for the depredations committed by the Federals in the Shenandoah Valley and elsewhere in the Confederate States. Your Lordship will also find an abstract of the report to Major-General Dix mentioned above.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 4.

Mr. Seward to Lord Lyons.

Department of State, Washington, October 26, 1864.

MR. SEWARD presents his compliments to Lord Lyons, and has the honour to inclose a copy of an instruction of this Department to Mr. Adams, which instruction was yesterday read to Mr. Burnley from the draft.

Inclosure 2 in No. 4.

Mr. Seward to Mr. Adams.

Sir,

Department of State, Washington, October 24, 1864.

It is my duty to invite through you the serious attention of Her Majesty's Government to the instances, which unfortunately seem to be multiplying, in which the British Possessions in our neighbourhood, both continental and insular, have been made bases for hostile proceedings by the insurgents against this country. The motives for such proceedings have undoubtedly been, not a conviction that material damage would result directly from the hostile acts of the insurgents, but a hope that a just sense of national dignity and self-preservation on our part might induce us to resent the toleration of the British authorities, and ultimately, perhaps, to lead that Government to take part with the insurgents as an open and declared enemy of the United States. The insufficiency of the British Neutrality Act and the warnings of the Queen's Proclamation to arrest the causes of complaint referred to, were anticipated early in the existing struggle, and that Government was asked to apply a remedy by passing an Act more stringent in its character, such as ours of the 10th of March, 1838, which was occasioned by a similar condition of affairs. This request has not been complied with, though its reasonableness and necessity have been shown by subsequent Acts.

The seizure by insurgents of the steamer "Chesapeake" on the high seas, bound from New York to Portland, is familiar to you. Though the vessel was ultimately released, the perpetrators of the deed escaped punishment. Braine, one of the leaders, has since found his way to Havanah, and with other conspirators has recently seized, under similar circumstances, the steamer-packet "Roanoke," which plies between that place and New York, carried her to Bermuda, but not receiving the hospitality which was expected there, the vessel was taken outside the port and burned.

On Saturday the 17th of September last, Lieutenant-Colonel B. H. Hill, Acting Assistant Provost-Marshal General of Michigan, was advised by a person from Canada that a party was to be sent from Windsor, on the Canada side of the Detroit River, opposite Detroit, to a point within the jurisdiction of the United States for hostile purposes.

On Sunday evening the 18th of September, a man came on board the "Philo-Parsons,"

while she was lying at the dock in Detroit, and requested the clerk, Mr. Walter J. Ashley, who is part owner of the "Parsons," to call at Sandwich on the Canada shore, three miles below Detroit, to receive him and a party of friends who wished to go to Kelly's Island, about eleven miles from Sandusky; alleging that one of them was lame, and could not well cross the ferry. The "Philo-Parsons" sailed the next morning (Monday 19th of September), at 8 o'clock, with about forty passengers. The person referred to above as having engaged a passage for himself and party appeared immediately afterwards, and at his request the steamer called at Sandwich, where his friends, four in number, came on board. At Malden, on the Canada side, where the steamer always stopped, about twenty miles below Detroit, and near the point where the Detroit river empties into the lake, about twenty more men came on board. The number not being unusual excited no suspicion. The only baggage of the party was an old fashioned trunk, tied with rope, and which was afterwards ascertained to contain revolvers, and large hatchets or hand-axes.

The steamer continued on her course and made her usual landings at North Bass, Middle Bass, and South Islands; the latter being known as "Put on Bay Island." These islands are nearly north of Sandusky and about twenty miles distant. They all belong to the United States, and are part of the State of Ohio. Captain Atwood, the captain of the steamer, left her at Middle Bass Island, where his family reside. Having made these landings, the steamer went on her course to Kelly's Islands, about seven miles further on, and made her usual landing there. Here four men got on board, all apparently belonging to the same party, and it has been ascertained that one, who was seen among them after the capture of the steamer, had been several days on the island, visiting the inhabitants, and pretending to be an agent for the sale of sewing machines.

Shortly after leaving Kelly's Island about 5 o'clock in the afternoon, and while she was directly on her course for Sandusky, the "Philo-Parsons" was seized by the party who had got on board at Sandwich and Malden, and was headed to the eastward for nearly an hour, when she was turned back to Middle Bass Island for fuel, the leader of the party having ascertained from the mate and engineer that there was not enough to run many hours. Soon after the "Philo-Parsons" reached Middle Bass Island, and while she was taking in wood, the steamer "Island Queen," which performs daily trips from the Bass Islands to Sandusky and back, came alongside, and was immediately seized. The engineer of the "Island Queen" without giving any provocation was shot in the face. The ball entered his cheek, and passed out near the ear. One person was cut in the head with a hatchet, and bled profusely; several other persons were knocked down, and a large number were struck with the butt-ends of pistols and with hatchets; and some ten or a dozen shots were fired. The passengers on both boats were landed at Middle Bass with a part of their baggage.

After getting a supply of fuel the "Philo-Parsons" ran out into the Lake, towing the "Island Queen." At a distance of about five miles according to one statement, and at a smaller distance according to others, the "Island Queen" was scuttled by cutting her supply pipe, and was set adrift. Before filling she drifted on a shoal, and was gotten off a few days afterwards, having been plundered by the party who had seized her.

After the "Island Queen" had been scuttled, the "Philo-Parsons" stood for Sandusky harbour, and was turned about and steered for Malden, where she arrived between 4 and 5 o'clock on Tuesday morning, 20th September. A few miles above Malden a yawl boat of plunder was sent ashore on the Canadian side of the Detroit River. At Fighting Island, some six miles above, the crews of both steamers were landed.

The "Philo-Parsons" arrived at Sandwich at about eight o'clock the same morning, and a pianoforte belonging to her, a number of trunks, and the cabin furniture were put ashore at the dock, when a Custom-house officer almost immediately appeared. She was then scuttled by cutting her injection pipes, and cast off. She partially filled, but was taken possession of a few hours afterwards by the mate who had come in a small steamer (the "Pearl") from Ecuzé, who had her towed to Detroit.

The facts thus set forth having been substantiated by the depositions of eye-witnesses of these occurrences, I addressed a note to J. Hume Burnley, Esq., Her Britannic Majesty's Chargé d'Affaires, on the 13th instant, requesting through him that Her Majesty's Government would, upon the arrest and commitment of the parties who perpetrated these depredations, some of whom passed by the names respectively of Bell, Hoult, Bristow, Robert Drake, Burley and Thomas, the names of others not being ascertained, issue the necessary warrants for their delivery to Joseph Dimmick and James Henry, or to any other person duly authorized by the authorities of the State of Ohio to receive the fugitives, in order that they might be brought back to the United States for

trial. This request was made on the ground that they were guilty of the crimes of robbery and assault with intent to commit murder within the jurisdiction of the United States, and that being fugitives from the justice of the United States their extradition was provided for by the Xth Article of the Treaty of Washington. Mr. Burnley has since informed me that he has referred the matter to Her Majesty's provincial authorities, as is usual in such cases.

The primary object in capturing these steamers was confessedly to release the insurgent officers at Johnson's Island. There is reason to believe that the conspiracy was organized and set in motion by prominent insurgents, who have for some time past been residing in Canada for such purposes. Indeed, the Department has proof that Mr. Jacob Thompson has acknowledged that he was commissioned and provided with funds to carry them into effect, and had interviews with conspicuous members of the gang just before the steamers were captured.

It is obvious that at the time of the informal arrangement between the two Governments of April 1817, limiting their naval force on the Lakes, a condition of things like the present could scarcely have been anticipated. The object of that arrangement was to prevent either party from keeping in commission the considerable naval force which they both had employed in that quarter during the war then recently closed. If peace was expected to continue, the force was an unnecessary burden to both parties; but, on the contrary, if war should suddenly be renewed, one or the other might, in anticipation of that event, have clandestinely or otherwise so augmented its force as to ensure to it a dangerous advantage. Believing that these were the views entertained at the time the arrangement was entered into, and that neither the United States nor Great Britain expected to relinquish their right to self-defence, in the event of a civil war in the territories of either, by the limitation referred to, the Secretary of the Treasury, as you will see from the correspondence a copy of which is inclosed, has chartered two propellers, one on Lake Erie, and the other on Lake Ontario, for the purpose of checking and suppressing depredations on our trade and territory in that region, similar to those above-mentioned.

I had just prepared the foregoing statement of the transaction on Lake Erie, when information of a new and equally desperate outrage on another part of the border reached this Department. A band, said to consist of twenty-five desperate men, clandestinely armed, crossed the frontier, and proceeded in several small parties, by stage coach, to St. Albans, Vermont, in the customary way of travellers. At a concerted time they raised a scene of terror in that peaceful town, and broke into boarding-houses and other buildings, and carried off large amounts of treasure, said to be 225,000 dollars, together with other valuable property. As soon as the people recovered from their surprise they arose and hotly pursued the felons, who sought safety by returning on stolen horses across the frontier into Canada. The Canadian municipal agents seem to have co-operated with the pursuers from Vermont with alacrity and diligence. Twelve of the robbers were arrested, stripped of their plunder, and taken into custody by the Canadian authorities. It is also understood that a considerable part of the recovered property was promptly restored to its owners. Here the imperfect accounts which I have received of this transaction end. I have requested of J. Hume Burnley, Esq., Her Majesty's Chargé d'Affaires here, that the felons may be detained until, after having obtained the exact information, which is essential, I shall have addressed to the British Government a demand for the surrender of the offenders in conformity with the provisions for extradition contained in the Ashburton Treaty. The subject has been discussed in a friendly spirit between myself and Mr. Burnley, who has received telegraphic advices from Lord Lyons, who yet remains in New York. I give you a copy of a note which I addressed to Mr. Burnley on the 21st instant, and also a copy of a note I afterwards received from him in answer to my verbal request that Lord Monck, the Governor-General, should be advised to detain the offenders for extradition. I wish you to bring this transaction also to the notice of Earl Russell, and say to him, that taken in connexion with events of the same character which have occurred on the Canadian frontier, it is regarded here as deserving prompt and decisive proceedings on the part of Her Majesty's Government, in order to prevent the danger of ultimate conflict on the Canadian borders. It is a pleasant circumstance that in making this communication we are not only able but are obliged to acknowledge that the Canadian Executive authority has in this instance thus far co-operated with this Government in faithful and diligent efforts to bring the disturbers of public peace to due account. It is, however, impossible to resist the conviction that peace cannot be reliably maintained upon the border unless more effective measures shall be adopted to secure that end, than those that have heretofore been used by both Governments. We know well, although we have not judicial evidence, that all

the movements of this character are set on foot by Jacob Thompson, and other disloyal American citizens, who are temporarily domiciled in Canada, and furnished with funds there for those iniquitous purposes through the banking institutions of Canada.

It is now my duty to instruct you to give notice to Earl Russell, in conformity with the Treaty reservation of that right, that at the expiration of six months after you shall have made this communication, the United States will deem themselves at liberty to increase the naval armaments upon the Lakes, if in their judgment the condition of affairs in that quarter shall then require it, and you will be careful to advise us of the day on which this notice is given.

You will assure the Earl, however, that this proceeding is adopted only as a necessary measure of national defence, and not only with no purpose of hostility, but on the other hand with a desire, no less earnest than heretofore, to preserve the most friendly relations with Great Britain. Moreover, this Government will in every case direct its best efforts to prevent invasion of British territory, whether by way of popular retaliation or otherwise.

It is not for us to indicate the means Her Majesty's Government should adopt to maintain neutrality on their side of the border. You will again suggest to Her Majesty's Government that, in our opinion, a policy similar to that which was inaugurated by our enactment before mentioned might be followed with advantage by Great Britain in the American provinces during our present civil war. I should fail, however, to express a sincere conviction of this Government if I should not repeat now what I have heretofore so often had occasion to say, that, practically, the policy of neutrality which Her Majesty has proclaimed has failed as well in the British home ports as in the British Colonies, and especially in the latter, and that it must continue to fail more conspicuously every day so long as asylum is allowed there to active agents of the enemies of the United States, and they are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations against the citizens of the United States; nor are we able to conceive of any remedy adequate to the present exigency but the recognition of Her Majesty's Government of the first and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government. I use the word exigency with a consciousness of its just effect. The welfare and prosperity of the British Provinces on our borders are as sincerely desired by us as they can be by the British Government. In a practical sense these Provinces are sources of wealth and influence for the United States, although they are subject to a foreign jurisdiction.

We have proved that this is a sincere conviction on our part by entering into relations of reciprocal free trade with the British Provinces almost as intimate as the relations of free trade which under our Constitution prevail between the several States of the American Union.

Thus far we have been content with these relations, and probably we should remain content whether the Colonies adhere to their ties with Great Britain, or with her consent should assume the responsibilities of self-government, provided always that our friendship is reciprocated, while peace and harmony on the borders are essential to the very existence of such friendship; on the other hand, we have a right to expect that the dwellers within those Provinces will be content to fulfil towards us the obligations of good neighbourhood, and we are expected to fulfil the same obligations on our part. Even if this Government could be satisfied with less than what I have thus indicated, it must nevertheless be admitted that, from the very force of circumstances, peace could hardly be expected to prevail on a border which should afford to the communities which it divides no adequate protection against mutual aggression and reprisal.

Political agitation is as frequent in the British American Provinces as it is here. It is not easy to foresee how soon revolutionary movements may appear there. Every provocation now given to Americans will be likely to be claimed as a precedent in that case for intrusion from this side of the Lakes. Would it not be wise to establish a proper system of repression now, which would prove a rock of safety for both countries hereafter?

I am, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 3 in No. 4.

Lord Lyons to Mr. Burnley.

(Extract.)

New York, October 19, 1864.

I MET General Dix at dinner this evening. Soon after we sat down he received a telegram, and immediately left the table and went away from the house. He came back in about an hour's time, and then told me that the telegram had announced to him that a party of rebels had made a raid from Canada upon a place called St. Albans, in the State of Vermont, and had robbed some banks and committed some murders. He said that he had sent orders to the military officers in the neighbourhood to take measures for apprehending the raiders; and that he had directed those officers to use their best endeavours to seize them on American territory, and if they pursued them to the frontier line, to continue the pursuit even beyond the frontier rather than allow them to escape. General Dix expressed the opinion that, under such circumstances, the continuing the pursuit beyond the frontier would be warranted by international law, and cited the cutting out of the "Caroline" by the Canadian loyal forces during the rebellion in Canada as a precedent.

I did not conceal from General Dix that I was much disturbed by the information he had given me as to the nature of the orders he had issued, and I asked whether he had given them on his own authority or under instructions from Washington. He said that he had given them on his own authority, as Military Commander of the Department, but that he had reported what he had done to the Secretary of War.

I observed to him that any violation of the British territory would be a dangerous proceeding; and I reminded him that no doubt the principal object of the Confederates in getting up these expeditions was to embroil England with the United States, and that it would be playing the game of the enemies of the United States to allow the Federal officers to be led to violate British jurisdiction. Finally, before leaving the house, General Dix told me that he would send telegraphic instructions in the morning, which would enjoin upon the Federal officers the greatest caution with regard to the British territory. He added, that the officers employed would be very prudent and discreet, and that he did not think I need entertain any apprehensions.

I promised him to ask you by telegraph to go to Mr. Seward and to consult him as to the propriety of your making any communication to the Canadian authorities.

I should observe that General Dix spoke to me in a very frank and friendly manner, and expressed the most conciliatory intentions; and I should wish Mr. Seward to understand that I feel much obliged to the General.

If the men have plundered banks, and committed murders, and then taken refuge in Canada, I suppose the best course will be to treat them as ordinary criminals, liable to be delivered up to justice under the Extradition Treaty.

I intend to send this letter to you by the Queen's messenger Johnson to-morrow morning.

Inclosure 4 in No. 4.

Mr. Seward to Mr. Burnley.

Sir,

Washington, October 21, 1864.

I HAVE received communications from the United States' Consul at Montreal, which inform me that his Excellency Governor Monck and other Canadian authorities are proceeding with zeal and vigour to arrest the parties who were engaged in the depredations committed at St. Albans, in Vermont. It is not to be doubted that the object of those depredations is the same with that of the piratical operations which recently occurred on Lake Erie, namely, to embroil the Government of the United States and Great Britain in a border war. Under these circumstances I think it proper to let you know that the President regards with sincere satisfaction the conduct and proceedings of the Canadian authorities before referred to.

Thus far I have received no official or other certain account of the United States' civil or military Agents; but I am glad to learn, by unofficial reports, that the officers and Agents of the two Governments are acting together in good faith, and with due respect on each side for the lawful rights and authority of the other. This is in entire conformity with the wishes of the United States.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 5 in No. 4.

*Viscount Monck to Mr. Burnley.**Quebec, October 22, 1864.*

YOUR telegram of yesterday has been received. By last account eleven of the St. Albans men were in custody. Directions have been given to detain them until the demand for their extradition can be fully investigated. Please to inform the Secretary of State of the United States.

Inclosure 6 in No. 4.

Mr. Burnley to Viscount Monck.

My Lord,

Washington, October 23, 1864.

I HAVE the honour to inclose copy of a note of the 21st instant, which I have received from Mr. Seward, thanking your Lordship and the Canadian authorities for the active assistance afforded during the late proceedings at St. Albans, in Vermont.

I have, &c.

(Signed) J. H. BURNLEY.

Inclosure 7 in No. 4.

Mr. Burnley to Mr. Seward.

Sir,

Washington, October 23, 1864.

I HAVE the honour to acknowledge receipt of your note of the 21st relative to the affair at St. Albans, and beg to state that I have caused a copy of this note to be sent to his Excellency the Governor-General of Canada.

I have, &c.

(Signed) J. H. BURNLEY.

Inclosure 8 in No. 4.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, October 25, 1864.

INFORMATION has been received at this Department that C. M. Wallace, Charles Sevegan, Bennett Young, Squire Lewis, Dudley Moore, George Williams, alias George Scott, Samuel Gregg, Marcus A. Spierse, S. B. Collins, H. P. Bruce, S. C. Lackey, S. Dory, J. McGrosly, charged with the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction of the United States, at St. Albans, in the State of Vermont, are now fugitives from the justice of the United States in Canada, where they have been arrested and committed by Her Majesty's authorities, with a view to their examination in compliance with the provisions of the Xth Article of the Treaty of Washington. I have the honour to request through you, Sir, that Her Majesty's Government will be pleased to issue the necessary warrant for their delivery to any person whom the Governor of the State of Vermont may appoint to receive the said fugitives, in order that they may be brought back to the United States for trial.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 9 in No. 4.

Mr. Burnley to Viscount Monck.

My Lord,

Washington, October 25, 1864.

I HAVE the honour to transmit to your Excellency a copy of a note which I have this day received from the Secretary of State of the United States, requesting that Her Majesty's Government will issue the necessary warrants for the extradition of C. M. Wallace and others, stated to be now in Canada.

I have, &c.

(Signed) J. H. BURNLEY.

Inclosure 10 in No. 4.

Extract of Report from Major Austine to General Dix.

Provost Marshal's Office, Brattleborough, Vermont, October 23, 1864.

I HAVE the honour to report that I received the inclosed telegram at 7 P.M., on the 19th instant. At once I collected about a hundred convalescents and thirty of the Vermont Reserve Corps with two officers from the General Hospital here, and left at 9 P.M. (the earliest train to be had), arriving at St. Albans (the place of residence of the Governor, a distance of 200 miles) at 8 o'clock the next morning. I found that about 4 P.M. the previous day about twenty-five men from Canada, armed with two revolvers each, had suddenly entered the three banks of the town and robbed them of over 200,000 dollars, mortally wounding one citizen and seriously wounding another; they then seized a number of horses and made their escape,—the whole affair occupying less than half an hour. The citizens were utterly paralyzed by the boldness and suddenness of the attack. Soon after an ex-Captain of Volunteers, with a few citizens, started, mounted, in pursuit. The robbers in their retreat tried to enter the bank at Sheldon, but were unsuccessful. In both places they made abortive attempts to burn the buildings. They were pursued into Canada. After reaching the frontier, supposing themselves safe, they became less vigilant, and up to this date some twelve of them have been captured and lodged in Canada jails. About 75,000 dollars were recovered. No officer or soldier of our Government violated any of the laws existing between the two countries. The telegram to the Governor from your head-quarters, forwarded by a messenger from St. Albans by Lieutenant-Colonel Burton (late 11th Vermont, acting under State orders), was received by the ex-Captain about the time he had completed the pursuit. Finding that they were all in Canada, and had dispersed, and that the Canadian authorities had taken the matter in hand, I deemed it useless to proceed with the men to the line. Learning that some of the robbers were proceeding towards St. Johns, I sent Major Barstow, a discreet ex-officer of the 8th Vermont (acting under State authority) there, to confer with the Major relative to their arrest. The authorities over the line have shown every disposition to capture the robbers, and at all the interviews with our officials I learn that they have been very courteous and well-disposed.

Certain deserters of the Vermont regiments are supposed to be among the robbers; in fact, one was recognized by a soldier on furlough in the town.

I strongly recommend to the select men of the border-towns to at once organize all the able-bodied men, with a suitable chief, for local protection, each man to receive a musket and ammunition. Many towns have adopted the plan, and the Governor promises to carry out the recommendation. He has an abundance of arms and ammunition for distribution. From all I can learn, deserters and Confederates made up the party, under instructions from active rebel agents in Canada, and I shall not be surprised to hear of other outrages along the line before the Presidential election comes off. The decision of the Canadian authorities in the present cases will be of great importance to the rebels in their midst, as to future operations.

The Governor has grave apprehensions as to the future peace of the frontier, considering the great number of deserters and rebels now near the line, and is exceedingly anxious for as much military protection as the Government can afford at the present time.

(Signed) W. AUSTINE, Major, United States' Army,
Assistant Adjutant Provost Marshal-General, and Military Commander.

Head-Quarters, Department of the East, New York City,
October 26, 1864.

Official:

(Signed) D. T. VAN BUREN, Colonel and Assistant Adjutant-General.

Respectfully furnished for information of the Hon. W. H. Seward, Secretary of State,
Washington, Delaware County.

(Signed) JOHN A. DIX, Major-General Commanding.

Inclosure 11 in No. 4.

Extract from the "New York Herald" of October 23, 1864.

THE following is from the last edition of the "Evening Telegraph," published at St. Albans:—

"Fears are entertained, from the sympathy shown at St. Johns for the St. Albans raiders, that attempts will be made to rescue them.

"Captain Desrivier's troop of volunteer cavalry has been called out, and are now on duty guarding the jail.

"Hon. J. J. Abbott has been retained, with Mr. R. Laflamme, for the accused, and we understand that the retainers have engaged Hon. J. H. Cameron as consulting counsel. Mr. Devlin has been retained by the Federal authorities.

"We have just received the following letter from Lieutenant Bennett Young, commanding the party of raiders on St. Albans:—

"To the Editor of the "Evening Telegraph."

"Freelingsburg, Canada East, October 21, 1864.

"Through the columns of your journal I wish to make some statement to the people of Canada regarding the recent operations in Vermont. I went there for the purpose of burning the town and surrounding villages in retaliation for the recent outrages committed in the Shenandoah Valley and elsewhere in the Confederate States.

"I am a commissioned officer of the provisional army of the Confederate States, and have violated no laws of Canada. I do not wish my name coupled with the epithets now applied without a knowledge on the part of the people of Canada as to who we are and what caused our action.

"I wish also to make a few statements as to how myself and party were taken. I was seized on Canadian soil by American citizens, with arms in their hands, and violently searched. My pocket-book was taken from me, and I was started towards the United States. I reached out my hands and caught the reins of my horse, when three pistols were levelled at my head, with threats to shoot the damned scoundrel dead if he moved. Some Canadian citizens then spoke up, and the Americans, seeing the bailiff, started with me towards him, two of them holding arms in their hands.

"These statements can be proved by Canadian citizens. The Americans came into this place, and even beyond it, brandishing guns and threatening to kill some of us, even after we were in the hands of the English authorities.

"Surely the people of Vermont must have forgotten that the people of Canada are not in the midst of war, and ruled by a man despotic in his actions and supreme in his infamy.

"I am not afraid to go before the courts of Canada. and when the affair is investigated, I am satisfied that the citizens of Vermont, and not my party, will be found to be the violators of Canadian and English law.

"Some one, I hope, will be sent to investigate this breach of neutrality, and award to those American citizens doing armed duty in Canada the just merit of their transgression.

"Hoping you will give this a publication, I remain, &c.

(Signed) "BENNETT H. YOUNG,

"First Lieutenant, Provisional Army, Confederate States of America."

No. 5.

Lord Lyons to Earl Russell.—(Received November 22.)

My Lord,

Washington, November 7, 1864.

WITH reference to my despatch and its inclosures of the 28th ultimo, relative to the recent raid at St. Albans and the action of the United States' Government in this matter, I have the honour to inclose copies of the further correspondence which has passed on this subject.

I have, &c.

(For Lord Lyons),

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 5.

Viscount Monck to Mr. Burnley, October 26, 1864.

[See Inclosure 1 in No. 2.]

Inclosure 2 in No. 5.

Extract from the "New York Post."

[See Inclosure 2 in No. 2.]

Inclosure 3 in No. 5.

Lord Lyons to Mr. Seward.

Sir,

Washington, October 29, 1864.

I HAVE the honour to transmit to you, and to recommend to your serious attention, a copy of a despatch which I have received this morning from the Governor-General of Canada.

The Governor-General states that his attention has been called to an extract from the "New York Post," purporting to give the words of an order telegraphed to the officer commanding at Burlington, Vermont, by Major-General Dix, on the occasion of the late outrage at St. Albans; and his Excellency requests me to bring the subject to your notice, with the view that the order may be disavowed or explained.

I inclose a copy of the newspaper extract, and have, &c.

(Signed)

LYONS.

Inclosure 4 in No. 5.

Lord Lyons to Viscount Monck.

My Lord,

Washington, October 29, 1864.

I HAVE this morning had the honour to receive your Excellency's despatch to Mr. Burnley of the 26th instant, inclosing an extract from a newspaper purporting to give the words of an order telegraphed to the officer commanding at Burlington, Vermont, by Major-General Dix, on the occasion of the outrage at St. Albans.

I have, without any loss of time, transmitted copies of the despatch and of the newspaper extract to the Secretary of State of the United States, and have recommended the matter to his serious attention.

I have &c.

(Signed)

LYONS.

Inclosure 5 in No. 5.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, October 29, 1864.

INFORMATION has been received at this Department that Samuel Eugene Lackey, Squire Turner Travis, Charles Moore Swager, George Scott, Bennett H. Young, Caleb McDowell Wallace, James Alexander Doty, Joseph McGrosty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, and Alexander Pope Bruce, charged with the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction of the United States, are now held in jail at St. John's in Canada East, awaiting the requisition of this Government for their extradition as fugitives from justice.

I have the honour therefore to request, through your Lordship, that Her Majesty's Government will be pleased to issue the necessary warrant for the delivery of the persons of the above-mentioned fugitives to any person or persons duly authorized by the Governor of the State of Vermont to receive them and to bring them back to the United States for trial.

I have, &c.

(Signed)

WILLIAM H. SEWARD.

Inclosure 6 in No. 5.

Lord Lyons to Viscount Monck.

My Lord,

Washington, October 29, 1864.

WITH reference to Mr. Burnley's despatch of the 25th October, I have the honour to transmit to your Excellency a copy of a further note from the Secretary of State of the United States, containing a demand for the extradition of certain persons stated to be in Canada, fugitives from the justice of the United States.

I am, &c.
(Signed) LYONS.

Inclosure 7 in No. 5.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, November 1, 1864.

INFORMATION has been received at this Department that William H. Hutchinson, a fugitive from the justice of the United States, charged with the commission of the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction of the United States, is now held in custody at Montreal in Canada, awaiting the requisition of this Government for his extradition.

I have the honour, therefore, to request through your Lordship that Her Majesty's Government will be pleased to issue the necessary warrant for the delivery of the person of the above-named William H. Hutchinson, to any person or persons who may be duly authorized by the Governor of the State of Vermont to receive him and bring him back to the United States for trial.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 8 in No. 5.

Lord Lyons to Viscount Monck.

My Lord,

Washington, November 1, 1864.

I HAVE the honour to inclose to your Excellency a copy of a note which I have received from the Secretary of State of the United States, asking for the extradition of a man named William H. Hutchinson.

I have, &c.
(Signed) LYONS.

Inclosure 9 in No. 5.

Viscount Monck to Mr. Burnley, October 28, 1864.

[See Inclosure 3 in No. 3.]

Inclosure 10 in No. 5.

Lord Lyons to Mr. Seward.

Sir,

Washington, November 2, 1864.

WITH reference to your note to Mr. Burnley of the 21st ultimo, and his answer of the 23rd ultimo, I have the honour to transmit to you a copy of a despatch from the Governor-General of Canada, expressing his acknowledgments for the expression of the satisfaction of the President with regard to the proceedings of the Canadian authorities in reference to the perpetrators of the late depredations on St. Albans, Vermont.

I have, &c.
(Signed) LYONS.

Inclosure 11 in No. 5.

Lord Lyons to Viscount Monck.

My Lord,

Washington, November 2, 1864.

I HAVE had the honour to receive the despatch which your Excellency addressed on the 28th ultimo to Mr. Burnley, and in answer to that in which he communicated to you a note from Mr. Seward, expressing the satisfaction of the President with regard to the proceedings of the Canadian authorities in reference to the perpetrators of the late depredations on St. Albans, Vermont. I have, without losing time, transmitted to Mr. Seward a copy of your Excellency's despatch.

I have, &c.
(Signed) LYONS.

Inclosure 12 in No. 5.

Viscount Monck to Mr. Burnley.

Sir,

Quebec, October 31, 1864.

I HAVE the honour to acknowledge the receipt of your despatch of the 25th instant, covering an application from the Secretary of State of the United States, for the extradition of C. M. Wallace, and other persons fugitives from justice from the United States, and stated to be now in Canada.

I have the honour to state in reply, that as soon as I shall have been advised that the proofs required by the Treaty of Extradition have been made by these men, the necessary warrants will be issued for their delivery to the authorities of the United States.

I have, &c.
(Signed) MONCK.

Inclosure 13 in No. 5.

Lord Lyons to Mr. Seward.

Sir,

Washington, November 4, 1864.

WITH reference to your note of the 25th ultimo, applying for the extradition of C. M. Wallace and others, stated to be fugitives in Canada from the justice of the United States, I have the honour to communicate to you a copy of a despatch from the Governor-General of Canada, stating that as soon as he shall have been advised that the proofs required by the Treaty of Extradition shall have been given, the necessary warrants will be issued for the delivery of these men to the United States' authorities.

I have, &c.
(Signed) LYONS.

Inclosure 14 in No. 5.

Lord Lyons to Viscount Monck.

My Lord,

Washington, November 4, 1864.

I HAVE the honour to inform your Excellency that I have received your despatch of the 31st ultimo, respecting the extradition of C. M. Wallace and others, and that I have communicated a copy of it to the Secretary of State of the United States.

I have, &c.
(Signed) LYONS.

Inclosure 15 in No. 5.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, November 3, 1864.

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 29th of October last, together with a copy of a communication which has been addressed to

you by his Excellency Lord Monck, the Governor-General of Canada, in which he asks for an explanation or a disavowal of what is set forth in an article in the "New York Evening Post," on the subject of the crimes of robbery and murder recently committed at St. Alban's by persons who came from Canada to that place, and returned again to Canada for refuge from capture and punishment.

On the 24th of October last, I addressed a note to Mr. Adams concerning the transaction thus referred to, in which I fully explained the views and sentiments of this Government with regard to the unhappy condition of affairs on the British American border, its causes, probable consequences, and its needful remedy. Indignant complaint by newspapers which are entirely independent of the Government, as well as spontaneous hasty popular proceedings of self-defence and retaliation, are among the consequences which must be expected to occur when unprovoked aggressions from Canada no longer allow our border citizens to navigate the intervening waters with security, or to rest at home with confidence of security for their property and their lives. With a sincere conviction that Lord Monck is governed by the highest sense of honour and justice, I must nevertheless be allowed to say that I do not think the matter which he has submitted, when duly weighed, is sufficient to call for any enlargement or modification of the views I have already submitted through Mr. Adams to Her Majesty's Government. While this Government has been engaged in considering Lord Monck's request, our requisitions for the offenders whose crimes were committed on Lake Erie, and for the burglars and murderers who invaded Vermont, remain unanswered.

We hear of a new border assault at Castine, in the State of Maine; and we are warned that plots are formed at Montreal to fire the principal cities of the Union. It is not the Government nor is it the people of the United States that are delinquent in the fulfilment of fraternal national obligations.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 16 in No. 5.

Lord Lyons to Viscount Monck.

My Lord,

Washington, November 7, 1864.

I HAD the honour of informing your Excellency on the 29th ultimo that I had transmitted to the Secretary of State for the United States copies of your Lordship's despatch of the 26th ultimo, and of its inclosures, relative to the order said to have been telegraphed to the officer commanding at Burlington, Vermont, by Major-General Dix, on the occasion of the late outrage at St. Alban's; and I have now the honour to forward to your Excellency a copy of Mr. Seward's answer.

I regret that serious indisposition obliges me to abstain for the present from attending to the business of this Legation.

I have therefore requested Mr. Burnley to sign for me during my temporary illness.

I have, &c.
(Signed) LYONS.

No. 6.

Mr. Adams to Earl Russell.—(Received November 23.)

My Lord,

Legation of the United States, London, November 23, 1864.

I HAVE the honour to submit to your consideration copies of a number of papers which have been transmitted to me, with instructions to lay them before Her Majesty's Government.

It has become once more my painful duty to make representations respecting the manner in which the territories in America, under the authority of Great Britain, both continental and insular, are systematically used by the insurgents against the United States, as bases for hostile proceedings of every description.

The motives for such proceedings seem to have been twofold. The first and the most obvious is to do as much injury to the people of the United States as possible. But the second and far more inciting one has been to stimulate the Government and people of the United States to so great a degree of irritation as to prompt hasty acts of retaliation, which might ultimately effect a permanent breach of the friendly relations between the

two countries. By this means it is hoped that the natural result of a struggle perceived from the first to be unequal, might be changed by the intervention of a powerful ally to the failing side.

On a review of the correspondence which I have heretofore had the honour to conduct with your Lordship, I think it will most clearly appear that the intention of my Government has been most constantly fixed upon the necessity of averting the dangers springing out of this nefarious policy. In that view the insufficiency of the law of Great Britain to enforce a rigid neutrality, as well as of Her Majesty's Proclamation to avert causes of complaint, was very early foreseen. It was for that reason that a proposal was early made by me to your Lordship to secure such changes and amendments of that law as might be expected more fully to answer the purpose, and such as the experience in a former instance in the United States had actually dictated to them to adopt in order to maintain peace.

It is with great regret that I am obliged to remind your Lordship that nothing whatever has been done in this direction, and that in spite of the fact that every day's subsequent experience has proved the reasonableness of the anxiety that prompted the request.

The seizure of the steamer "Chesapeake" on the high seas by insurgents who made Her Majesty's provinces of Nova Scotia and New Brunswick the base of the operation, is well known to your Lordship. Although it be true that that vessel was ultimately released, it is equally certain that the perpetrators of the act escaped all penal consequences in the Colonies. Braine, the very same man who was engaged in that high-handed act, has since perpetrated another of the same kind upon the steam-packet "Roanoke," in the course of which he made the Island of Bermuda the point from which, failing to gain a reception for his prize, he completed his operations for her destruction at the mouth of the harbour.

I am now compelled to call your Lordship's attention to other proceedings of a character infinitely more dangerous to the peace of the two countries.

On Sunday evening, the 18th of September, a man came on board the "Philo-Parsons," while she was lying at the dock in Detroit, and requested the clerk, Mr. Walter T. Ashley, who is part owner of the "Parsons," to call at Sandwich, on the Canadian shore, three miles below Detroit, to receive him and a party of friends who wished to go to Kelly's Island, about eleven miles from Sandusky, alleging that one of them was lame, and could not well cross the ferry. The "Philo-Parsons" sailed the next morning (Monday, the 19th of September), at 8 o'clock, with about forty passengers. The person referred to above as having engaged a passage for himself and party appeared immediately afterwards, and, at his request, the steamer called at Sandwich, where his friends, four in number, came on board. At Malden, on the Canadian side, where the steamer always stopped, about twenty miles below Detroit, and near the point where the Detroit River empties into the Lake, about twenty more men came on board. The number not being unusual, excited no suspicion. The only baggage of the party was an old-fashioned trunk tied with rope, and which was afterwards ascertained to contain revolvers and large hatchets or hand-axes. The steamer continued on her course, and made her usual landings at North Bass, Middle Bass, and South Bass Islands,—the latter being better known as Put-in Bay Island. These islands are nearly north of Sandusky, and about twenty miles distant. They all belong to the United States, and are part of the State of Ohio. Captain Atwood, the captain of the steamer, left her at Middle Bass Island, where his family reside. Having made these landings, the steamer went on her course to Kelly's Islands, about seven miles farther on, and made her usual landing there. Here four men got on board, all apparently belonging to the same party, and it has been ascertained that one who was seen among them after the capture of the steamer had been several days on the island, visiting the inhabitants, and pretending to be an agent for the sale of sewing machines.

Shortly after leaving Kelly's Island, about 4 o'clock in the afternoon, and while she was directly on her course for Sandusky, the "Philo-Parsons" was seized by the party who had got on board at Sandwich and Malden, and was headed to the eastward for nearly an hour, when she was turned back to Middle Bass Island for fuel, the leader of the party having ascertained from the mate and engineer that there was not enough to run many hours. Soon after the "Philo-Parsons" reached Middle Bass Island, and while she was taking in wood, the steamer "Island Queen," which performs daily trips from the Bass Islands to Sandusky and back, came alongside and was immediately seized. The engineer of the "Island Queen," without giving any provocation was shot in the face. The ball entered his cheek and passed out near the ear. One person was cut in the head with a hatchet, and bled profusely; several other persons were knocked

down, and a large number were struck with the butt ends of pistols and with hatchets; and some ten or a dozen shots were fired.

The passengers on both boats were landed at Middle Bass and a part of their baggage. After getting a supply of fuel the "Philo-Parsons" ran out into the Lake, towing the "Island Queen." At the distance of about five miles according to one statement, and at a smaller distance according to others, the "Island Queen" was scuttled, by cutting her supply pipe, and was sent adrift. Before firing she drifted on a shoal, and was gotten off a few days afterwards, having been plundered by the party who had seized her.

After the "Island Queen" had been scuttled, the "Philo-Parsons" stood for Sandusky Harbour, and was then turned about and steered for Malden, where she arrived between 4 and 5 o'clock on Tuesday morning, the 20th of September. A few miles above Malden a yawl boat-load of plunder was sent ashore on the Canadian side of the Detroit River. At Fighting Island, some six miles above, the crews of both steamers were landed.

The "Philo-Parsons" arrived at Sandwich at about 8 o'clock the same morning, and a pianoforte belonging to her, a number of trunks, and the cabin furniture were put ashore at the dock, where a custom-house officer almost immediately appeared. She was then scuttled by cutting her injection pipes, and cast off. She partly filled, but was taken possession of a few hours afterwards by the mate who had come up in a small steamer (the "Pearl") from Ecorse, who had her towed to Detroit.

The facts thus set forth have been substantiated by the depositions of eye-witnesses of these occurrences.

Upon learning these extraordinary proceedings, initiated and executed from Her Majesty's possessions in Canada as a base, a note was immediately addressed by the Secretary of State to J. Hume Burnley, Esq., Her Majesty's Chargé d'Affaires at Washington, requesting through him that Her Majesty's Government would, upon the arrest and commitment of the parties perpetrating these outrages, issue the necessary warrant for their delivery to the agents of the United States, in order that they might be brought there for trial. This request was made on the ground that the persons were guilty of crimes embraced within the terms of the Extradition Treaty. Mr. Burnley replied, that he had referred the matter to Her Majesty's Provincial authorities, as is usual in such cases. Thus has it rested down to this time.

The primary object in capturing these steamers was confessedly to release the insurgent officers confined on Johnson's Island. There is reason to believe that the conspiracy was organized and set in motion by prominent insurgents who have for some time past been residing in Canada for such purposes. Indeed, my Government has proof that Mr. Jacob Thompson has acknowledged that he was commissioned, and provided with funds to carry them into effect, and had interviews with conspicuous members of the gang just before the steamers were captured.

Scarcely had the alarm occasioned by this sally from the Canadian territory subsided, when information of a new and even more extraordinary and desperate outrage was received by my Government. This time it was not committed on the water, but against the peaceable and unoffending inhabitants of a border town.

A band, said to consist of twenty-five desperate men, clandestinely armed, crossed the frontier and proceeded in several small parties by stage-coach to St. Albans, Vermont, in the customary way of travellers. At a concerted time they raised a scene of terror in that peaceful town, broke into banking-houses and other buildings, and carried off large amounts of treasure, said to be 225,000 dollars, together with other valuable property. As soon as the people recovered from their surprise they arose and hotly pursued the felons, who sought safety by returning on stolen horses across the frontier into Canada. The Canadian Municipal Agents seem to have co-operated with the pursuers from Vermont with alacrity and diligence. Twelve of the robbers were arrested, stripped of their plunder, and taken into custody by the Canadian authorities. It is also understood that a considerable part of the recovered property was promptly restored to its owners.

A request, similar in its character to the former one has been addressed by the Secretary of State to Mr. Burnley, as will appear in the papers which accompany this note.

It must be obvious to your Lordship that at the time of the adoption of the arrangement between the two Governments, in April 1817, which limited their naval forces on the Lakes, a condition of things like the present could scarcely have been anticipated. The purpose clearly was to prevent either party from keeping up a force which might endanger the other, thus entailing upon both the necessity of maintaining a more or less burthensome

armament. It certainly did not contemplate the possible intervention of a third party ill-disposed to both, which should malignantly avail itself of the known provisions of the compact for the purpose of working certain mischief, to that which it hated the most, and possible injury to the other, by provoking strife between the two. Neither could it have foreseen the precise position in which Her Majesty's Government has been placed by recognizing as belligerents persons capable of abusing the privileges conceded by that measure, to the most malicious purposes. In view of these extraordinary events, against the recurrence of which, on the Canadian side, no provisions adequate to meet the immediate exigency seems to have been made on the part of Her Majesty's Government, it would seem to be the imperative duty of the United States to provide at once some stringent measures. Inroads by marauding ruffians upon the population of the United States on that border cannot be tolerated. Among the papers which I have the honour to lay before you, I beg in this connection to call to your notice a letter of the Secretary of the Treasury, directing the outfit of two steam-propellers, one upon Lake Erie, and the other on Lake Ontario, with the object of checking, and if possible suppressing depredations on the trade, or attacks upon the population connected with those waters.

In consequence, however, of the later outrage perpetrated at St. Alban's, I am directed to say that the preceding measures are not deemed by any means adequate to answer the desired purpose. The proceedings taken together are regarded as deserving of further and prompt action on the part of Her Majesty's Government, in order to avert the danger of ultimate conflict upon the Canadian border. It gives me great satisfaction to be able to acknowledge to your Lordship that the Canadian Executive authority has thus far co-operated with my Government in faithful and diligent efforts to bring these disturbers of the public peace to due account. It is a matter of certainty, though not perhaps susceptible of judicial proof, that all movements of this character are set on foot by a notorious person named Jacob Thompson, who with other disloyal citizens of the United States, is temporarily domiciled in Canada, and furnished with funds by his coadjutors at home for these iniquitous operations, through the banking institutions of that province. It is impossible not to feel their presence and their activity in that region to be a constant threat against the safety of the people occupying the entire long line of the border. I am therefore with great regret instructed to give this formal notice to your Lordship, that in conformity with the Treaty reservation of the right, at the expiration of six months from the date of this note the United States will deem themselves at liberty to increase the naval armament upon the Lakes, if in their judgment the condition of affairs in that quarter shall then require it.

In taking this step, I am desired to assure your Lordship that it is resorted to only as an indispensable measure to the national defence, and so far from being in a spirit of hostility, that it springs from a wish no less earnest than heretofore to preserve the most friendly relations with Great Britain. I take pleasure in adding that it is the fixed purpose of my Government in every case to direct its energies to the prevention of all attempts to invade the British territory, whether by way of retaliation or otherwise. The questions that grow out of the present anomalous state of things are deemed of not less importance to the interests of Her Majesty's possessions than they are to the people of the United States. A failure to maintain a rigid neutrality on the Canada border at this day may become a fruitful source of excuse for similar delinquency at some period or other on our side of the line, whenever the temptation may arise. It is not for my Government to indicate the precise means to be adopted by Her Majesty's Government to insure a more perfect observance of that neutrality on her side. I may, however, be permitted to suggest on its behalf an opinion, that a policy similar to that which was inaugurated under circumstances not altogether unlike, by the enactment of the Law of the 10th of March, 1838, already alluded to in the early part of this note, might be followed with advantages to Great Britain in the American provinces during the continuance of the present struggle.

I should fail, however, in executing the whole duty imposed upon me if I were not to repeat the expression of the sincere conviction of my Government that practically the policy of neutrality which Her Majesty has proclaimed, has failed as well in the British home ports as in the colonies, but most especially in the latter; and, moreover, that it must continue to fail more conspicuously every day so long as an asylum is opened there to active emissaries of the enemies of the United States, who have it in their power to use, by means fair or foul, the British ports and British borders as a base for felonious depredations of every description against the people of the United States. Neither it is deemed possible to arrive at any remedy adequate to meet the present exigency other than a recognition by Her Majesty's Government of the just and exclusive sovereignty of the United States in all the waters and all the territory heretofore legally under the

jurisdiction of the Government. In the use of the word exigency, the full sense of its effect is perfectly understood. The welfare and prosperity of the neighbouring British provinces are as sincerely desired on its part as they can be by Great Britain. In a practical sense they are sources of wealth and influence for the one country only in a less degree than for the other, though the jurisdiction appertain only to the latter. That this is the sincere conviction of my Government has been proved by its consent to enter into relations of reciprocal free commerce with them almost as intimate as those which prevail between the several States of the Union themselves. Thus far the disposition has been to remain content with those relations under any and all circumstances, and that disposition will doubtless continue, provided always that the amity be reciprocated, and that the peace and harmony on the border, indispensable to its existence, be firmly secured. The fulfilment of that obligation must be, however, as your Lordship cannot fail to perceive at a glance, the essential and paramount condition of the preservation of the compact. Even were my Government to profess its satisfaction with less, it must be apparent that by the very force of circumstances peace could scarcely be expected to continue long in a region where no adequate security should be afforded to the inhabitants against mutual aggression and reprisal.

Political agitation, terminating at times in civil strife, is shown by experience to be incident to the lot of mankind, however combined in society. Neither is an evil confined to any particular region or race. It has happened heretofore in Canada, and what is now a scourge afflicting the United States may be likely at some time or other to revisit her. In view of these very obvious possibilities, I am instructed respectfully to submit to Her Majesty's Government the question whether it would not be the part of wisdom to establish such a system of repression now as might prove a rock of safety for the rapidly multiplying population of both countries for all future time.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 6.

Mr. Fessenden to Mr. Seward.

Sir, *Treasury Department, September 23, 1864.*
I HAVE the honour to inform you that a steam-propeller has been put in commission as a revenue vessel to cruize on the Lakes.

I deem it proper to acquaint you with the fact, in view of any Treaty which may exist on the subject.

I am, &c.

(Signed) W. P. FESSENDEN, *Secretary to the Treasury.*

Inclosure 2 in No. 6.

Mr. Seward to Mr. Fessenden.

Sir, *Department of State, Washington, September 30, 1864.*
I INCLOSE for your perusal a copy of a telegram of the 23rd instant, from General Hitchcock to the Secretary of War, which I will thank you to cause to be returned to this Department.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 3 in No. 6.

Major-General Hitchcock to Mr. Stanton.

(Telegraphic.)

Sandusky, Ohio, September 23, 1864.

I TAKE upon myself to express an opinion that the safety of our commerce on the Lakes, and the security of the cities along the Lake shores, make it of the highest importance, if not an indispensable necessity, that the Government should have several armed vessels, fully manned, to prevent the rebels who find security in Canada from seizing steamers engaged in commerce and converting them into war vessels; with a few

of which they may, if not prevented, do us incalculable mischief. Ex-Secretary Thompson is employed in Canada in setting on foot expeditions of the most dangerous character. The recent seizure of two steamers in this vicinity has, indeed, terminated disastrously for the projectors of the horrible scheme, but the demonstration actually made is a sufficient warning to induce our Government to take immediate measures to guard against a repetition of it. It would be but an act of self-defence, and from the disclosures made by Coole, now in arrest at Johnson's Island, I earnestly recommend that no time be lost in putting afloat armed vessels upon Lake Ontario, and speedily upon the Upper Lakes also. I suppose we are engaged in war, rendering this step justifiable under the Treaty of 1815, but it is my duty to speak only of the justifying necessity of the case.

Inclosure 4 in No. 6.

Mr. Fessenden to Mr. Seward.

Sir,

Treasury Department, September 30, 1864.

I HAVE the honour to acknowledge the receipt of your letter of this date, transmitting telegram from General Hitchcock, and to state that this Department has this day chartered the steam-propeller "Hector" (at Oswego, New York) for revenue cutter purposes. This vessel, together with the "Winslow," chartered at Buffalo a few days since, will be fitted for service with all possible despatch.

The telegram is herewith returned.

I am, &c.
(Signed) W. P. FESSENDEN.

Inclosure 5 in No. 6.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, October 1, 1864.

WITH reference to the previous correspondence between this Department and Her Britannic Majesty's Legation on this subject, I have the honour to communicate a copy of a letter of yesterday, addressed to this Department by the Secretary of the Treasury, and from which it appears that it has been deemed advisable, at this juncture, to charter the steam-propeller "Hector" for revenue-cutter purposes. Any excess which may thus be occasioned, however, in the armament of United States' vessels in that quarter over the limit fixed by the arrangement of April 1817 will be temporary only, and as it has been made necessary by an emergency, not then foreseen, may not be regarded as contrary to the spirit of the stipulations of that instrument.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 6 in No. 6.

Mr. Burnley to Mr. Seward.

Sir,

Washington, October 4, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 1st, relative to an increase of the American naval force in the Canadian Lakes and its inclosures, and beg to state in reply that I have to-day forwarded copies to Her Majesty's Government.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure 7 in No. 6.

*Mr. Thurston to Mr. Seward.**United States' Consulate-General, Montreal,
October 20, 1864.*

Sir,

YESTERDAY afternoon, just after I had left the Consulate, about half-past 6 o'clock, the evening paper was shown me, and my notice directed to an article announcing that a party of twenty or twenty-five men had attacked St. Alban's, Vermont, robbed the bank of 100,000 or 200,000 dollars, had also stolen a sufficient number of horses to mount them, and had escaped after killing several citizens and wounding others. I could not credit the report, and immediately telegraphed to G. Merrill, Esq., Superintendent of the Vermont Central Railroad, who returned the reply herewith inclosed. Judge Aldis, of the Supreme Court of Vermont, the gentleman mentioned in the telegram, arrived here at 11 o'clock last night. Directly he arrived we proceeded to the house of the Chief of Police, and made request that he would send a body of his police force to the frontiers, and arrest all suspicious persons passing into Canada. The Chief declining to act without the authority of his superior, Judge Cursoll, of the Quarter Sessions of this city, and whose jurisdiction embraces also the district through which the raiders must pass to reach Montreal, invited us to visit the judge with him, to obtain his consent. Accordingly we proceeded to the residence of Judge Cursoll, called him from his bed, and laid the object of our visit before him. After some consultation Judge Cursoll decided to proceed to St. John's, where he had a sergeant of special frontier police and several men, taking with him several men from this city also, and to render all the assistance in his power to arrest the raiders if they attempted to pass into Canada on the cars, either at St. John's or beyond it. He directed the Chief of Police to accompany him, and assured us that everything the Canadian authorities could do they would, and most cheerfully and promptly rendered every aid possible to arrest the parties concerned in this daring attack to rob and murder the peaceful citizens of Vermont. This morning at a quarter to 6 they took the cars to St. John's. Judge Cursoll informed me that he had a force of thirty special police distributed along the frontier, on the thoroughfares and other places, to arrest deserters from the regiments stationed at Montreal and Quebec; that should it be necessary he would call in all this force, and detail as many more from the police force at Montreal if it was required. While writing this despatch a telegram was sent me, directed to Judge Cursoll, announcing that six of the robbers of the bank at St. Alban's were arrested at Stanbridge, and a few minutes after another telegram from Judge Aldis, who returned this morning with the other parties, stating that two men had been caught; all of the eight having large amounts of money on their persons. Among the number arrested was the leader of this raid. The details of this outrage, written by Judge Aldis, who was in St. Albans when the raiders made the attack, I have the honour herewith to inclose, together with the telegrams received. The promptness with which Judge Cursoll and the Chief of Police have responded to our request for assistance, the kindness and courtesy with which they have received us, and the efficient services rendered, show the determination of the Canadian Government and its officials to arrest all offenders under the Treaty against the laws of the United States, and the cordial good feeling which they entertain towards our Government. I beg to assure the Department that everything has been done by the officers of this Consulate to render all possible assistance to citizens of Vermont.

I have, &c.

(Signed) D. THURSTON.

Inclosure 8 in No. 6.

Mr. Merrill to Mr. Thurston.

(Telegraphic.)

St. Alban's, Vermont, October 19, 1864.

JUDGE ALDIS left here on express train to-night for Montreal. The raiders, some twenty or twenty-five men, have collected here within a few days. Had evidently laid their plans, simultaneously; entered and robbed the three banks of from 100,000 to 200,000 dollars; seized horses and saddles enough to mount the party, shooting all persons who resisted, and started for Sheldon, probably to rob the bank there, and then escape to Canada. They were pursued by a party of citizens on horseback armed.

Inclosure 9 in No. 6.

*Mr. Aldis to Mr. Thurston.**St. Alban's, Vermont, October 20, 1864.*

(Telegraphic.

WE have arrested two of the robbers on this side of the line, and have them in jail, with considerable money on their persons. Six more have been taken at Stanbridge, or Frelightsburg; among them their leaders, and about 50,000*l.* of the money. The whole country both sides of the line is alive with zeal to arrest them. Our Governor, too, much pleased to hear the Canadian authorities so prompt.

Inclosure 10 in No. 6.

Details of the Attack on St. Alban's, Vermont.

DURING the past two or three days a number of persons, in all about thirty, came to St. Albans by twos and threes in the different trains, and stopped at the hotels. They were dressed like ordinary travellers, and attracted no attention. To-day, October 19, at about 3 p.m., and at the same moment, parties of five each entered the three banks, and armed with revolvers which they presented at the heads of the cashiers or tellers who were in, threatened to shoot them if they resisted or made any noise, and demanded the money. Resistance was out of the question, for in one bank only the cashier was in; in another one teller, and in the third the two tellers only. They robbed the banks of what money they could find, the vaults and safes being open, and took an amount in all of perhaps 150,000 or 200,000 dollars. While these persons were robbing the banks their confederates at the same time went to the hotels and livery stables and seized horses, in order therewith to escape to Canada. The whole matter was transacted within less than an hour. Of course, in seizing the horses they met with resistance, for this had to be done openly, and they fired a half dozen shots each at Mr. Fuller, the livery man, and at Mr. Field, the keeper of the American hotel. While stealing the horses they also fired at Mr. Morrison, who was walking along peaceably on the side walk on the opposite side of the street, and wounded him in the groin, it is feared fatally. They also shot Mr. Huntington, wounding him in the hip, and slightly wounding another. As soon as they had got together horses enough they left for the north, taking the road by way of Sheldon (where it is supposed they intended to rob the Missisquoi Bank), and thence probably by Franklin to Pigeon Hill, or to Frelightsburgh in Canada. They all came from Canada so far as their arrivals can be traced. On the plank road, about a mile north of St. Albans, they shot a young girl by the road side. They threatened to burn the dépôt and other buildings, but probably felt that delay was dangerous. There was scarcely a gun or pistol in the village, but in about half an hour after they left, twelve or fifteen of our citizens, who succeeded in getting guns, went in pursuit of them. When about half way to Sheldon they were heard of as being within about a mile of the robbers. It is to be hoped they may overtake them.

Some of the leaders appeared to be disposed to commit no greater outrages than robbing the banks; others seemed to be desperadoes, wretches ready for any crime, and bent on wanton murder. The banks have offered a reward of 10,000 dollars.

Inclosure 11 in No. 6.

Mr. Seward to Mr. Burnley, October 21, 1864.

[See Inclosure 4 in No. 4.]

Inclosure 12 in No. 6.

Mr. Burnley to Mr. Seward, October 23, 1864.

[See Inclosure 7 in No. 4.]

Inclosure 13 in No. 6.

Mr. Burnley to Mr. Seward.

My dear Sir,

Washington, October 23, 1864.

I SEND you on the other side the answer received this morning from the Governor-General of Canada.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure 14 in No. 6.

Viscount Monck to Mr. Burnley, October 22, 1864.

[See Inclosure 5 in No. 4.]

Inclosure 15 in No. 6.

*Colonel Van Buren to Mr. Seward.**Head-Quarters, Department of the East, New York City,
October 25, 1864.*

Sir,

BY direction of Major-General Dix, I have the honour to forward to you the accompanying copies of report of the Acting Assistant Provost-Marshal-General at Brattleboro, Vermont, having reference to the St. Albans raid.

I am, &c.

(Signed) D. T. VAN BUREN.

Inclosure 16 in No. 6.

Major Austine to Major-General Dix, October 23, 1864.

[See Inclosure 10 in No. 4.]

Inclosure 17 in No. 6.

The Governor of Vermont to Major Austine.

(Telegram.)

To Major Austine, Brattleborough.

Montpelier, Vermont, October 19, 1864.

SEND here all your available force armed and with ordnance stores, by special train at once. Order the express train to let them through. Rebels have invaded St. Albans, have robbed all the banks, and killed several citizens. Don't delay.

(Signed) J. G. SMITH, Governor of Vermont.

Official.

(Signed) D. T. VAN BUREN, Colonel and Assistant Adjutant-General.

No. 7.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, November 26, 1864.

YOUR Lordship in your despatch of the 28th ultimo has referred to the intention of the United States' Government to give notice to Her Majesty's Government that, in conformity with the Treaty reservation of the right to give such notice, the United States' Government will deem themselves at liberty, at the expiration of six months after the communication shall have been made, to increase their naval armament upon the North American Lakes, if in their judgment the condition of affairs should require it; and you have inclosed a copy of a despatch from Mr. Seward to Mr. Adams, which, after referring to the case of the "Chesapeake," and after relating various acts of aggression from Canada, namely, the seizure and destruction of the "Philo-Parsons" and "Island Queen," on the Lakes, and the attack upon the town of St. Albans, in

Vermont, by a party of twenty-five men issuing from the British territory, proceeds to lay down the following important propositions :—

1. "The insufficiency of the British Neutrality Act and of the warnings of the Queen's Proclamation to arrest the causes of the complaint referred to were anticipated early in the existing struggle, and the British Government was asked to apply a remedy by passing an Act more stringent in its character, such as ours of the 10th of March, 1838, which was occasioned by a similar condition of affairs. This request has not been complied with, though its reasonableness and necessity have been shown by subsequent Acts."

2. "It is now my duty to instruct you to give notice to Earl Russell, in conformity with the Treaty reservation of that right, that at the expiration of six months after you shall have made this communication, the United States will deem themselves at liberty to increase the naval armaments upon the Lakes, if in their judgment the condition of affairs in that quarter shall then require it."

3. After recurring again to the measures of 1838, Mr. Seward says :—"I should fail, however, to express a sincere conviction of this Government if I should not repeat now what I have heretofore so often had occasion to say, that practically the policy of neutrality which Her Majesty has proclaimed has failed as well in the British home ports as in the British Colonies, and especially in the latter; and that it must continue to fail more conspicuously every day so long as asylum is allowed there to active agents of the enemies of the United States, and they are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations against the citizens of the United States; nor are we able to conceive of any remedy adequate to the present exigency but the recognition by Her Majesty's Government of the first and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government."

On the 23rd instant I received from Mr. Adams the note which I inclose, and the several documents annexed to it.

But as they are the same in substance as the communication you have sent me, I think it will be more convenient to deal with the formal and authoritative despatch of the Secretary of State.

1. The reference to the Act of March 10, 1838 (of which I inclose a copy), will not have any application with respect to vessels leaving the shores of the United Kingdom. The difficulty in regard to vessels fitted out or equipped in our home ports has always consisted in proving that the vessel was "provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign Prince or State" with whom Her Majesty is "at peace," and a similar difficulty would be found in executing a law exactly copied from the United States' Act of March 10, 1838.

With regard to "territories conterminous with the United States," it might indeed more easily be proved with respect to any military bodies assembled near the border, that they were intended to cross the frontier in hostility to a State with whom Her Majesty is at peace. On this part of the question I have to desire you to assure Mr. Seward that the subject is undergoing the most searching investigation by the Law Officers of the Crown, with a view to take the most effectual measures to prevent incursions from the bordering British provinces into the territory of the United States.

In the meantime I have to observe that in the early part of the war, while active efforts were made to fit out in British ports ships intended to be completed in the waters of other neutral States as ships of war, and thence to be employed as cruisers against the United States, but few, if any, attempts were made to disturb the frontier of Canada by military or naval expeditions. Hence the Act of Congress of March 1838 was not considered to be applicable to the existing state of affairs.

I may also observe that during the late insurrection in Poland, although the Governments of Austria and Prussia were, from regard to their own interests, unfavourable to that insurrection, and although their means of repression were much more available and much more energetic than ours ever can be, yet insurgent expeditions from Galicia and from the Duchy of Posen were of very frequent occurrence.

The Governor of Canada, it is admitted by the United States' Government, has done all that he could lawfully do; and if his efforts should fail, and other measures of repression consistent with the nature of our Government shall be found requisite, Her Majesty's Government will not hesitate to propose them.

2. It is perfectly competent to the United States to give notice that at the end of six months that Government will be at liberty to increase their naval force on the Lakes.

It is certainly true, that while both nations are disarmed on the Lakes, marauders or depredators may destroy or capture unarmed vessels belonging to either party.

Her Majesty will of course be at liberty also to increase her naval force on the Lakes at the expiration of the six months after notice, if she shall think fit so to do; but it is to be hoped that when peace is restored the former Agreement, which was formed upon just and wise considerations, may be renewed, as one that must be advantageous to both parties.

3. The next proposition of the Secretary of State declares the neutrality proclaimed by Her Majesty to have failed as well in the British home ports as in the Colonies; that it must continue to fail so long as asylum is allowed there to active agents of the enemies of the United States, and so long as those persons are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations; and the Secretary of State adds that the only remedy which the Government of the United States is able to conceive is the "recognition by Her Majesty's Government of the first and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government."

It appears to Her Majesty's Government that this proposal amounts to nothing less than a demand that Great Britain should cease to acknowledge the belligerent character of the Southern States, and treat the Southern citizens as felons and pirates. In order to consider this matter fully, I find it necessary to recur to the events of the last three years.

President Lincoln, immediately after his accession to power, in 1861, found himself face to face with a most formidable insurrection. In the month of April 1861 he ordered a levy of 75,000 men to meet the danger. Finding this number insufficient, armies of 300,000, 400,000, and even 700,000 men have been raised, embodied, marched, exposed to battles and sieges, worn by fight and fever, exhausted, consumed, and replenished in this mighty contest. With similar purposes the President, in the same month of April 1861, proclaimed the blockade of the coasts of seven States, and the blockade of two other States was added immediately afterwards. A navy was suddenly created, supposed to be adequate to the task of blockading 3,000 miles of coast.

Her Majesty's Government could not, any more than the other Powers of Europe, fail to recognize in the vast extent of the territories involved in hostilities and in the fierce nature of the contest, a civil war of the most extraordinary character. In proclaiming that both parties in this vast war were to be treated as belligerents, and in admitting the validity of a blockade of 3,000 miles of coast, Her Majesty's Government acknowledged an existing fact, and recognized the international law applicable to that fact.

But Her Majesty's Government could not disguise from themselves the difficulties which would beset, under any state of law, the task of preventing undue aid being given by individuals among the Queen's subjects to one or the other of the belligerents. The identity of language, the increasing intercourse of trade, the immense extent of ship-building carried on in this country, and the ingenuity of speculators in defeating laws and proclamations, made it impossible that there should not be many escapes from the vigilance of the Government, and many successful stratagems to disguise hostile proceedings.

Still Her Majesty's Government counted on the fair consideration by the Government of the United States of what was possible, on their estimate of the honest intention of the British Executive, and their knowledge of the latitude, both of opinion and of action, prevailing among a people nurtured, like that of the United States, in free institutions.

Her Majesty's Government also thought that the United States must be aware that the Law of Nations and the circumstances of the war gave an immense advantage to the Federals against the Confederates in obtaining warlike supplies. In confirmation of this remark it may be reckoned, that, besides very many batteries of artillery, 500,000 rifles have been manufactured in this country and conveyed to the shores of the Northern States, to be used by the Federal troops in the war. It may safely be said also, that many thousands of the Queen's subjects have held those rifles against the breasts of men whom Her Majesty does not regard as her enemies.

The supplies sent to the Confederates are, on the other hand, very commonly intercepted and captured on the sea by Federal ships of war.

Her Majesty's Government, however, have put in force impartially the provisions of the law, and have prosecuted those persons who, in apparent violation of that law, have fitted out vessels in our ports with the purpose, as it was believed, of aiding in hostilities against the United States, or who have been engaged in enlisting seamen or recruits in the service of either belligerent; and Her Majesty's Government have succeeded in preventing the departure from the Clyde and the Mersey of several ships intended for the service of the Confederates.

Such being the state of affairs, Her Majesty's Government are not prepared either to deny to the Southern States belligerent rights, or to propose to Parliament to make the laws of the United Kingdom generally more stringent.

To allow to the United States the belligerent rights of blockade and of search and detention to the widest extent, and to refuse them altogether to the other party in the civil war, who have possession of an extensive territory, who have all the forms of a regular Government framed on the model of the United States, and who are wielding large regular armies, would, Her Majesty's Government presume to think, be as contrary to the practice of civilized nations as it would be to the rules of justice and of international law. Neither can Her Majesty's Government refuse an asylum to persons landing on our shores and conforming to our laws, merely because such persons may be or may have been in hostility with a Government or nation with whom Her Majesty is at peace.

The Congress and President of the United States have thought themselves compelled, by the necessity of internal war, to restrict and curtail the liberties of the people of those States. Her Majesty's Government do not presume to judge of that necessity, but they cannot find in the hostilities which prevail on the continent of North America any justification for so altering the laws of the United Kingdom as to deprive the citizens of the Southern States of America of that asylum which Great Britain has always afforded to men of all nations and of all political opinions.

But while the Government of the United States complain that Her Majesty's policy of neutrality has failed, Her Majesty's Government have had frequent occasions to complain that the United States have carried beyond all acknowledged limits the rights of belligerents. The crews of vessels seized as blockade runners, who by the law of nations are only subject to detention till the case of the vessel in which they were found has been heard in a Prize Court, have been subjected to confinement for an indefinite period of time as prisoners of war, and Her Majesty's Government have more than once felt it to be their duty to express their opinion that such proceedings are a plain violation of neutral rights.

The United States' Government have also compelled British merchants trading between New York and a neutral port to give bonds for the conduct to be observed by them in that port, and for the direction of their future voyages, and this is against the plain tenor of the Treaties subsisting between Great Britain and the United States.

The Government of the United States have likewise permitted their subordinates and recruiting agents to enlist British subjects who had been drugged, and had not when so enlisted recovered from the effects of the treatment to which they had been subjected.

If Her Majesty's Government have not resisted more strenuously than they have hitherto done these illegal and unfriendly proceedings, the cause is to be found in their belief that the passion and excitement of the contest have for a time obscured the sense of justice and respect for law which usually distinguish the United States, and that with the close of the contest calm consideration will return, and a just view of these transactions will be taken.

The welfare and prosperity of the United States are earnestly desired by the Government of Her Majesty, and the necessity of securing peace and harmony on the border between the British and the United States' territory is fully acknowledged. With this disposition on both sides Her Majesty's Government cannot doubt that adequate means of repression will be found, and that signal failure will attend any wicked attempts which may be made to involve the two nations in the calamities of war.

It is a pleasure to me to conclude this despatch by noticing the handsome terms in which the Secretary of State declares himself not only able, but obliged, to acknowledge that the Canadian authority has, in the last instance mentioned, "thus far co-operated with this Government in faithful and diligent efforts to bring the disturbers of public peace to justice." Her Majesty's Government trust such faithful co-operation in the performance of friendly offices may long continue on both sides.

I have to instruct you to give a copy of this despatch to the Secretary of State.

I am, &c.

(Signed) RUSSELL.

No. 8.

Earl Russell to Mr. Adams.

Foreign Office, November 29, 1864.

EARL RUSSELL presents his compliments to Mr. Adams, and has the honour to send him a copy of the despatch which he addressed by last Saturday's mail to Lord

Lyons,* in answer to the despatch of Mr. Seward and the note Lord Russell had the honour to receive from Mr. Adams, dated the 23rd instant.

No. 9.

Viscount Monck to Mr. Cardwell.—(Received November 30.)

Sir, *Quebec, November 12, 1864.*

REFERRING to my despatch of the 27th October and its inclosure, I have the honour to transmit for your information copies of a despatch which I have this day received from Her Majesty's Minister at Washington and of a note from the Secretary of State of the United States inclosed, and of the answer which I have returned to Lord Lyons' despatch.

I beg leave to call your attention to the circumstance that Mr. Seward neither avows nor denies the issue of the order by Major-General Dix.

With regard to the statement that requisitions for the extradition of persons charged with the commission of crimes in the United States remain "unanswered," I must refer to my answer to the last despatch of Lord Lyons.

I have, &c.
(Signed) MONCK.

Inclosure 1 in No. 9.

Lord Lyons to Viscount Monck, November 7, 1864.

[See Inclosure 16 in No. 5.]

Inclosure 2 in No. 9.

Mr. Seward to Lord Lyons, November 3, 1864.

[See Inclosure 15 in No. 5.]

Inclosure 3 in No. 9.

Viscount Monck to Lord Lyons.

My Lord, *Quebec, November 12, 1864.*

I HAVE the honour to acknowledge the receipt of your despatch of November 7, and the accompanying note from Mr. Seward, dated November 3, relative to the despatch which I deemed it my duty to address to you on the 26th October, calling your attention to an extract from the "New York Evening Post," which purported to give the words of an order issued by Major-General Dix in reference to the recent outrage at St. Albans, Vermont.

I shall transmit Mr. Seward's note to the Secretary of State for the Colonies for the consideration of Her Majesty's Government.

There is one statement, however, in Mr. Seward's note to which I must allude in justice to myself and the Government of Canada.

The Secretary of State for the United States says, "While this Government has been considering Lord Monck's request, our requisitions for the offenders whose crimes were committed on Lake Erie, and for the burglars and murderers who invaded Vermont, remain unanswered." I am at a loss to account for this statement.

With regard to the first of these outrages it occurred on the 19th September. On the 22nd October a despatch was received by me from Mr. Burnley, dated October 16, inclosing a note from the Secretary of State of the United States, demanding the extradition of Bell and others (the persons supposed to have been concerned in the Lake Erie outrage).

On the same day (October 22) I addressed a despatch to Mr. Burnley, in which I acknowledged the receipt of his communication and begged him to inform Mr. Seward that "as soon as I should have been advised that these persons or any of them had been arrested in Canada, and that the proofs required by the Treaty had been made, the necessary warrants should be issued for their delivery to the authorities of the United States."

With reference to the outrage committed at St. Albans. This affair occurred on the 19th October; on the 31st October I received from Mr. Burnley a despatch dated October 25, demanding the extradition of C. M. Wallace and twelve other persons participators in the St. Alban's affair.

On the same day I answered Mr. Burnley's despatch, informing him that when the proofs required should have been made the warrants for extradition should be issued.

On the 4th November I received a further despatch, dated 29th October, referring to the same persons, and stating that they were in custody in Canada and asking for their extradition.

This was answered on the same day, informing Mr. Burnley that the men referred to were in custody, and that the warrants for their extradition should issue as soon as the proofs required by the Treaty had been completed.

On the 7th November I received from Lord Lyons a further despatch, dated November 1, inclosing a demand for the extradition of one Hutchinson, a man whose name was not included in the former list.

This despatch was answered on the same day, and in the same terms as the former communications.

I have been thus minute in the statement of what has occurred in these matters because I should have felt much annoyed if it could be supposed that your communications to me, made at the instance of the Minister of a friendly Power, had been for any cause allowed to remain unanswered.

I have, &c.
(Signed) MONCK.

No. 10.

Mr. Cardwell to Viscount Monck.

My Lord,

Downing Street, December 3, 1864.

THE attention of Her Majesty's Government has been directed to the violations of British neutrality of which certain persons have been guilty who profess to hold commissions from, or to act in aid of, the so-called Confederate States, and who make the soil of Canada the scene of their hostile preparations against the United States.

These violations of neutrality are a great offence against the British Crown, and Her Majesty's Government are of opinion that the Government of the United States have a clear right to expect that the Canadian law shall be found in practice generally sufficient, not merely for the punishment, but also for the suppression and prevention of these border raids.

The Secretary of State of the United States has reminded Earl Russell of the Act which was passed by Congress in the year 1838 for the suppression and prevention of hostile attempts prepared in the territory of the United States, and directed against the Government of Her Majesty in Canada. The circumstances of these two cases are not the same, and it does not appear to Her Majesty's Government to follow that precisely the same enactment which the Congress passed in 1835 is necessarily suited to the present case. They have observed with pleasure the promptitude and vigour with which you have put in force the existing law; but would wish you to consult your advisers, and obtain the opinion of your Law Officers whether that law places in your hands sufficient available powers for the effectual suppression and prevention of these raids, or whether it is necessary for you to apply to your Legislature for increased powers. In this latter case, any powers for which you should apply might very naturally be limited, as the powers of the Act of Congress of 1838 were limited, to a definite term, with a view to meeting the immediate exigency only.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 11.

Lord Lyons to Earl Russell.—(Received December 5.)

(Extract.)

Washington, November 21, 1864

WITH reference to my despatch of the 7th instant, I have the honour to inclose copies of further correspondence relative to the raids on St. Albans, by a party of Secessionists from Canada.

I would beg to call your Lordship's particular attention to the despatch of Viscount Monck of the 12th instant, inclosed in a note which I addressed to Mr. Seward on the 19th instant, and in rejoinder to the reply of the latter of the 3rd instant, already forwarded to your Lordship in my above-mentioned despatch, relative to the words of an order said to have been telegraphed to the officer commanding at Burlington, Vermont, by Major-General Dix, on the occasion of the late outrage at St. Albans.

I have been as anxious as Viscount Monck to place the matter in its true light, and not allow a very broad and, I may say, unfounded accusation "that the requisitions for the offenders whose crimes were committed on Lake Erie, and for the burglars and murderers who invaded Vermont, remain unanswered," should pass unnoticed.

There can be no doubt that considerable irritation exists in the minds of the American people on the general subject of these repeated raids from Canada.

Inclosure 1 in No. 11.

Viscount Monck to Lord Lyons.

My Lord,

Quebec, November 3, 1864.

I HAVE the honour to acknowledge the receipt of your despatch noted in the margin.*

I have, &c.
(Signed) MONCK.

Inclosure 2 in No. 11.

Viscount Monck to Lord Lyons.

My Lord,

Quebec, November 4, 1864.

I HAVE the honour to acknowledge the receipt of your despatch of October 29th. covering a note from the Secretary of State of the United States to you, applying for the extradition of Samuel Eugene Lackey, and twelve other persons charged with the commission of murder and robbery in the United States.

I have the honour in reply to state for your Lordship's information that all the persons mentioned in Mr. Seward's note are now in custody at Montreal, and that as soon as I shall have been advised that the proofs required by the Treaty have been made in the case of all or any of them the necessary writs will be issued for their delivery to the authorities of the United States.

I have, &c.
(Signed) MONCK.

Inclosure 3 in No. 11.

Mr. Hunter to Lord Lyons.

My Lord,

Department of State, Washington, November 5, 1864.

I HAVE the honour to acknowledge the receipt of your communication of yesterday respecting the proposed extradition of C. M. Wallace and others. The information which it contains will be duly communicated to the proper authorities.

Thanking your Lordship for your prompt action in the matter, I have, &c.

(Signed) W. HUNTER, Acting Secretary

* See Inclosure 4 in No. 5.

Inclosure 4 in No. 11.

Viscount Monck to Lord Lyons.

My Lord, *Government House, Quebec, November 7, 1864.*
 I HAVE the honour to acknowledge the receipt of your despatch of the 1st instant, inclosing a note from the Secretary of State of the United States, in which he asks for the extradition of one William H. Hutchinson.

In reply I have the honour to state that I have reason to believe that this person is now in custody at Montreal, and that as soon as I shall have been advised that the proofs required by the Treaty have been made in his case the necessary warrant will issue for his delivery to the officials of the United States.

I have, &c.
 (Signed) MONCK.

Inclosure 5 in No. 11.

Lord Lyons to Mr. Seward.

Sir, *Washington, November 12, 1864.*
 WITH reference to your note of the 20th ultimo, asking for the extradition of Samuel Eugene Lackey and twelve other persons, fugitives from justice in Canada, I have the honour to inclose a copy of a note which I have received in reply from his Excellency the Governor-General of Canada.

I have, &c.
 (For Lord Lyons),
 (Signed) J. HUME BURNLEY.

Inclosure 6 in No. 11.

Lord Lyons to Mr. Seward.

Sir, *Washington, November 12, 1864.*
 WITH reference to your note of the 1st instant, relative to the extradition of one W. H. Hutchinson, I have the honour to transmit to you herewith a copy of a despatch which I have received from the Governor-General of Canada.

I have, &c.
 (For Lord Lyons),
 (Signed) J. HUME BURNLEY.

Inclosure 7 in No. 11.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, November 4, 1864.*
 I HAVE the honour to acknowledge the receipt of your note of the 12th instant, transmitting a copy of a despatch addressed to you by the Governor-General of Canada relative to the extradition of W. H. Hutchinson, one of the St. Albans marauders, recently captured in Montreal. In reply I have the honour to state that the information contained therein has been communicated to the proper authorities.

I have, &c.
 (Signed) WILLIAM H. SEWARD.

Inclosure 8 in No. 11.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, November 16, 1864.*
 I HAVE the honour to acknowledge the receipt of your communication of the 12th instant, inclosing a copy of a despatch from his Excellency the Governor-General of

Canada, concerning the proposed extradition of Samuel Eugene Lackey and twelve other persons, charged with the commission of the crimes of murder and robbery in the United States. Thanking your Lordship for the information, I have the honour to inform you that I have communicated it to the proper authorities.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 9 in No. 11.

Viscount Monck to Lord Lyons, November 12, 1864.

[See Inclosure 3 in No. 9.]

Inclosure 10 in No. 11.

Lord Lyons to Mr. Seward.

Sir,

Washington, November 19, 1864.

WITH reference to Viscount Monck's despatch of the 26th ultimo, and to your reply of the 3rd instant, with respect to the order issued by General Dix relative to the recent outrage at St. Albans, I have now the honour to inclose copy of a despatch which I have received from his Excellency, replying on his side to the observations contained in that note.

In the sentiments expressed by his Excellency the Governor-General I fully concur.

It suffices to examine the dates when the various requisitions for extradition were received at this Legation and despatched to Viscount Monck to prove that on my side also nothing was left undone which could promote the wishes and anxious desires of the American Government, whether in the affair of Lake Erie or in that of St. Albans. Your note of the 13th ultimo, asking for the extradition of Bell and others concerned in the Lake Erie occurrences, was received on the 14th and despatched to Viscount Monck on the 16th, and his Excellency's reply of the 22nd, received on the 26th, was transmitted the next day to you.

With regard to the affair at St. Albans, your first note, of the 25th ultimo, relative to the extradition of Wallace, was received and despatched on the same day to Viscount Monck. His Excellency's reply, of the 31st October, was received on the 3rd instant, and transmitted to you on the 4th instant. Your further note of the 29th ultimo, relative to the extradition of Lackey and others, was received on the day on which it was written, and on that same day despatched to Viscount Monck. His Excellency's reply, of the 4th instant, received at this Legation on the 11th instant, was despatched to you the same day. Finally, your note of the 1st instant, requesting the extradition of Hutchinson, was again received and despatched to its destination on the same day, and Viscount Monck's reply of the 7th instant, received on the 12th instant, was forwarded to you on the day on which it was received.

You will thus perceive that both Viscount Monck and myself have done all that lay in our power to expedite the ends of justice, and that it cannot in truth be said that requisitions for these offenders have remained unanswered.

I have, &c.
(Signed) LYONS.

No. 12.

Viscount Monck to Mr. Cardwell.—(Received December 5.)

Sir,

Government House, Quebec, November 19, 1864.

REFERRING to my despatch of October 27th, I have the honour to report to you that persons answering to the following names were arrested by the Canadian authorities, on the evidence of United States' citizens, for having taken part in the attack on the banks at St. Albans, Vermont:—Samuel Eugene Lackey; Squire Turner Teavis; Alamanda Pope Bruce; Charles Moore Swayer; George Scott; Bennett H. Young; Caleb McDowall Wallace; James Alexander Doty; Joseph McGrosty; Samuel Simpson Gregg; Dudley Moore; Thomas Bronsdon Collins; Marcus Spurr; William H. Hutchinson.

The preliminary inquiry to enable me to issue warrants for the extradition of these

persons was commenced at St. Johns, but subsequently the prisoners, for the convenience and by the consent of all parties concerned, were removed to Montreal, where they are now in custody, and where the examination proceeded till Wednesday the 16th November, when, on the application of the prisoners' counsel, the magistrate granted an adjournment until the 13th December, to enable the prisoners to bring forward material evidence.

I have the honour to transmit for your information copies of all the depositions and statements made in the case which have been forwarded to me by the magistrate.

An application has been made by the Government of the United States for the extradition of these men on a charge of murder and robbery, but I am not empowered to issue my warrant for that purpose until they shall have been fully committed by the magistrate. At present you will observe they are held in custody on remand only.

I have, &c.

(Signed) MONCK.

No. 13.

Lord Lyons to Earl Russell.—(Received December 8.)

Washington, November 25, 1864.

My Lord,

WITH reference to my despatches of the 28th ultimo, and of the 7th and 21st instant, I have the honour to transmit to your Lordship herewith copies of further correspondence relative to the raid on St. Albans.

I have, &c.

(For Lord Lyons),

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 13.

Mr. Seward to Lord Lyons.

Department of State, Washington, November 21, 1864.

My Lord,

REFERRING to my note of the 29th ultimo, applying for the extradition of Samuel Eugene Lackey and others, and to that of the 1st instant, applying for the extradition of William Hutchinson, I have now the honour to inform your Lordship that some inaccuracies occurred in the former note respecting the names of some of the persons indicated therein; but I have now received a corrected list of the names of the parties, and other information, from which it appears that Samuel Eugene Lackey, Squire Turner Travis, Charles Moore Swayer, George Scott, Bennett H. Young, Caleb M'Dowall Wallace, James Alexander Doty, Joseph M'Grosty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, Alexander Pope Bruce, and William H. Hutchinson, are charged with the commission of the crimes of murder, assault with intent to commit murder and robbery, at St. Albans, in the State of Vermont, within the jurisdiction of the United States; that official complaints have been filed in the proper Courts in said State charging them with those offences, and that regular warrants for their apprehension have thereupon been issued, duly authenticated copies of which complaints and warrants are attached hereunto.

I have therefore the honour to request, through your Lordship, that Her Majesty's Government will, in virtue of the provisions of the Xth Article of the Treaty of Washington, be pleased to issue the necessary warrants for the delivery of the above-named fugitives, who are now understood to be held in gaol at Montreal, in Canada, to any person or persons duly authorised to receive the said fugitives and bring them back to the United States for trial.

I have, &c.

(Signed) WILLIAM H. SEWARD.

P.S. I will thank your Lordship, at your earliest convenience, to transmit a copy of this note and accompanying papers to the Canadian Government.

W. H. S.

Inclosure 2 in No. 13.

Lord Lyons to Viscount Monck.

My Lord,

Washington, November 22, 1864.

WITH reference to the previous correspondence which has passed between your Excellency and this Legation in the matter of the extradition of Samuel Eugene Lackey and others, I have the honour to transmit herewith a copy of a note of yesterday's date which I received this morning from the Secretary of State of the United States, inclosing copies of fresh warrants and other papers in this case, with a request that they may be communicated to your Excellency at my earliest convenience.

I beg to forward herewith the documents in question.

I have, &c.
(For Lord Lyons),
(Signed) J. HUME BURNLEY.

Inclosure 3 in No. 13.

Lord Lyons to Mr. Seward.

Sir,

Washington, November 22, 1864.

I HAD the honour this morning to receive your note of yesterday's date, inclosing to me copies of fresh warrants and other papers in the matter of the extradition of Samuel Eugene Lackey and others.

I have this day forwarded these documents to his Excellency the Governor-General of Canada.

I have, &c.
(For Lord Lyons),
(Signed) J. HUME BURNLEY.

No. 14.

Lord Lyons to Earl Russell.—(Received December 8.)

My Lord,

Washington, November 25, 1864.

I HAVE the honour to transmit to your Lordship herewith copies of a note and of its inclosure which I have received from Mr. Seward, relative to alleged schemes of so-called Confederate agents in Canada against the United States.

I beg also to transmit a copy of my despatch to Viscount Monck, inclosing copies of this communication and of my note to Mr. Seward acknowledging the receipt thereof.

I have, &c.
(For Lord Lyons),
(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 14.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, November 23, 1864.

I HAVE the honour to inclose an extract from a communication of the 17th instant, addressed to this Department by his Excellency the Governor of Vermont, relative to the hostile schemes of insurgent agents in Canada against the United States. I must request your Lordship to ask the earnest attention of Her Britannic Majesty's Government to the subject.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 14.

The Governor of Vermont to Mr. Seward.

(Extract.)

Mr. EDMUNDS informs me that Messrs. Clay, Saunders, and Westcott (late Senator from Florida), still continue to threaten retaliation, and openly say that they are organized both in Canada East and West and prepared for action. My advices from reliable sources are, that in their secret conclaves their plans are being discussed and perfected, and that they threaten that they will destroy the towns of Burlington and St. Albans within thirty days. They are cognizant of our movements here for the defence of the frontier, being informed by their spies how many muskets have been distributed and to what towns. There is no movement made of which they were not informed, as they have spies in every town. The action of our Legislature is reported to them, and they are familiar with the discussion of every measure which may affect them.

Inclosure 3 in No. 14.

Lord Lyons to Viscount Monck.

My Lord,

Washington, November 23, 1864.

I HAVE the honour to transmit to your Lordship herewith copies of a note and of its inclosure which I received this day from the Secretary of State of the United States, relative to alleged schemes of so-called Confederate agents in Canada against the United States.

I have, &c.
(For Lord Lyons),
(Signed) J. HUME BURNLEY.

Inclosure 4 in No. 14.

Lord Lyons to Mr. Seward.

Sir,

Washington, November 23, 1864.

I HAD the honour this day to receive your note of yesterday's date, inclosing to me a copy of an extract of a communication from the Governor of Vermont, relative to alleged schemes of so-called Confederate agents in Canada against the United States.

I have this day forwarded copies of your note and of its inclosure to his Excellency the Governor-General of Canada, and I will lose no time in bringing the same to the knowledge of Her Majesty's Government.

I have, &c.
(Signed) LYONS.

No. 15.

Viscount Monck to Mr. Cardwell.—(Received December 8.)

Sir,

Quebec, November 25, 1864.

I HAVE the honour to transmit for your information copies of the different documents noted in the margin, also of an approved minute of the Executive Council, and of an extra edition of the "Royal Gazette" containing a proclamation forbidding the exportation from this province of warlike stores or munitions of war.

I think the documents of which I inclose copies fully prove that warlike stores have been manufactured at Guelph, in Canada West, under circumstances which leave little moral doubt that they were intended for the purpose of arming some vessel on the lakes in the interest of the so-called Confederate States of America.

This proceeding, if carried into practice, would have been in effect to make Canada a base of warlike operations against the United States of America, and would have compromised the neutrality which Her Majesty's Government has always maintained between the contending parties on the American continent.

It is obvious that there are two modes in which, as regards the purchase and sale of warlike stores, a third Power may maintain its neutrality between two belligerents: one is

by throwing open its markets freely to both parties, the other by forbidding the sale of warlike stores to either.

The former is the course which Her Majesty's Government has pursued with respect to the sale of warlike stores to the American belligerents within the United Kingdom, but I trust that the difference in the circumstances of the two countries with reference to the contending parties, and the impossibility of guarding against an abuse by one of the belligerent parties of the right to purchase warlike stores in Canada will justify in your opinion the adoption of the latter mode in my case, and that the course which I have taken will receive your approbation.

I have, &c.
(Signed) MONCK.

Inclosure 1 in No. 15.

Report of a Committee of the Executive Council, approved by the Governor-General on the 23rd November, 1864.

ON a memorandum, dated 22nd instant, from the Hon. the Attorney-General, U.C., stating that it having come to his knowledge that certain ammunition, shell, and solid shot, and a certain gun carriage, had been prepared at Guelph, in Upper Canada, and packed in boxes for the purpose of being sent coastwise from Collingwood to Spanish River, under circumstances which lead him to suspect they are intended to be used against the shipping of the United States; he, the Attorney-General, recommends that a proclamation do immediately issue, under the statute 27 Vic., cap. 4, for prohibiting the exportation, or the carrying coastwise, or by inland navigation, of arms, ammunition, and gunpowder, military and naval stores, and any article manufactured for the purpose of forming part of any kind or description of arms, or for the purpose of mounting the same.

The Committee advise that a proclamation issue to the above effect forthwith.

Certified.
(Signed) WM. H. LEE, C. E. C.

Inclosure 2 in No. 15.

Mr. Coursol to Mr. Mc Donald.

Sir,

I HAVE the honour to transmit to you copies of a document and a letter which I have this day received from D. Thurston, Esq., United States' Vice Consul-General in this city.

I have, &c.
(Signed) CHS. J. COURSOL.

Inclosure 3 in No. 15.

Mr. Thurston to Mr. Coursol.

Sir,

I HAVE the honour to transmit to the Governor of Canada, through you, the accompanying intelligence, received from the Consular Agent at Toronto.

Respectfully, &c.
(Signed) D. THURSTON, *United States' Consul.*

Inclosure 4 in No. 15.

Mr. Kimball to Mr. Potter.

Sir,

Toronto, Canada West, November 14, 1864.
I HAVE just been informed by a Vermonter residing in Guelph, C.W.. of the following:—

A person in that village, by the name of John Vanorgan, has, for a year or two, owned

a gun or a cannon, about a 14-pounder, which has until lately been in his front yard, but is now removed, and this Vermonter is informed that it is purchased to be put on board a steamer by some Southerners; what steamer he has not heard. He is also informed that Messrs. Robinson and Son, foundrymen, of that place, have lately been casting solid shot, shell and grape shot, of a size which would probably fit the missing gun.

These manufacturers are known as strong Southern sympathizers, and it is supposed by the people in Guelph that this material is to be used by rebels against the United States. I asked for some proof, but he could not furnish it.

I communicate the information as I got it, so that you may take such action as you deem proper.

I have, &c.
(Signed) R. J. KIMBALL, *United States' Consular Agent.*

Inclosure 5 in No. 15.

Mr. Bernard to Mr. Coursol.

*Department of Attorney-General for Upper Canada,
Quebec, November 18, 1864.*

Sir, I HAVE the honour, by desire of the Attorney-General for Upper Canada, to acknowledge the receipt of your letter of the 16th instant, transmitting copies of a document and a letter received by you from D. Thurston, Esq., United States' Consular agent in Montreal, relative to the cannon at Guelph, said to have been purchased to be put on board a steamer by some Southerners.

I have, &c.
(Signed) H. BERNARD.

Inclosure 6 in No. 15.

Mr. Mc Donald to Mr. Kingsmill.

(Telegraphic.) *Quebec, November 17, 1864.*
PROCEED to Toronto forthwith, and see R. J. Kimball, United States' Consular Agent there. Get certain information from him. Enquire at Guelph, and report here.
(Signed) JOHN A. MACDONALD.

Inclosure 7 in No. 15.

Mr. Bernard to Mr. Kingsmill.

*Department of Attorney-General for Upper Canada,
Quebec, November 17, 1864.*

Sir, I AM desired by the Attorney-General to transmit you a copy of a letter which has just been forwarded to him, and signed by Mr. Kimball, United States' Consular Agent in Toronto, relative to a gun in Guelph, said to be purchased to be put on board a steamer by some Southerners.

The Attorney-General has himself telegraphed you to-day, to see Mr. Kimball, and thereafter to make inquiry in Guelph into the matter, and to report thereupon.

I now forward you the inclosed copy of a letter with the view of assisting you in making such inquiry, and report.

I have, &c.
(Signed) H. BERNARD.

Inclosure 8 in No. 15.

Mr. Kingsmill to Mr. Mc Donald.

(Telegraphic.) *Guelph, November 19, 1864.*
MY report leaves by mail to-day. You had better advise Collector at Collingwood to look for suspected packages.

(Signed) J. J. KINGSMILL.

Inclosure 9 in No. 15.

Mr. Kingsmill to Mr. Mc Donald.

Sir,

Guelph, November 19, 1864.

IN answer to your telegraph of 17th instant, and the communication from your office of the same date, I have the honour to report that upon the receipt of the telegraph I forthwith proceeded to Toronto, and there saw R. J. Kimball, United States' Consular Agent, and upon my return to Guelph commenced my inquiries, proceeding with caution, so as not to excite suspicion.

Having ascertained that Adam Robertson and Son, founders, lately had a gun (14-pounder, that heretofore belonged to them or one of their workmen) re-bored and newly mounted, and that both shell and solid shot had lately been prepared upon their premises, I proceeded to the railway station, and in the Grand Trunk warehouse discovered two boxes from Messrs. Robertson's establishment that had just been received at the station, and directed as follows:—"From Adam Robertson and Son, to H. M. Carroll, Spanish River, via Collingwood. To be left till called for."

Thinking the address suspicious, I, in the presence of the Inspector of Customs and station-master, saw them opened, and in one found a new gun-carriage, evidently intended for use on board ship, and the other was filled with new cartridge-cases made of tin. These packages leave Guelph to-day for Collingwood, where they will arrive on Monday evening or Tuesday.

I have not been able to discover where the gun is, but I have ascertained that it left the foundry about a week ago packed in shavings. It left in a waggon, and has not gone from this by train.

I further find that at Mr. Robertson's house there has been staying for the last month a stranger, who was present and assisting when the gun left. This person was arrested here this morning as Captain Bell, who on the 20th September last on Lake Erie seized the steamer "Island Queen." He will be taken to Toronto to-day, where the warrant was issued. He is charged with assault with intent to murder.

Any further information I may receive I shall report.

Your, &c.

(Signed) J. J. KINGSMILL, *County Attorney.*

Inclosure 10 in No. 15.

*Mr. Bouchette to Mr. Spence.**Finance Department, Customs, Quebec,**November 22, 1864, 3 P.M.*

(Telegraphic.)

LOOK out for two heavy boxes on their way to Collingwood, to be there shipped. Contrive to delay their shipment until further instructions, and telegraph your officer at Collingwood to that effect. They are addressed H. M. Carroll, Spanish River.

(Signed) R. S. M. BOUCHETTE.

Inclosure 11 in No. 15.

Mr. Spence to Mr. Bouchette.

(Telegraphic.)

Toronto, November 22, 1864.

HAVE ascertained that two boxes as described in your telegram arrived from Guelph and were this morning forwarded to Collingwood. I have instructed officer there in accordance with your directions.

(Signed) R. SPENCE.

Inclosure 12 in No. 15.

Mr. Spence to Mr. Bouchette.

(Telegraphic.)

Toronto, November 22, 1864.

"GEORGIAN" sailed for the Sault on last trip for the season yesterday. Inquiry about the boxes is being made.

(Signed) R. SPENCE.

Inclosure 13 in No. 15.

Mr. Bouchette to Mr. Spence.

*Finance Department, Customs, Quebec,
November 23, 1864.*

Sir,

I INCLOSE for your information and guidance the "Canada Gazette" Extra, containing a Proclamation of his Excellency the Governor-General in Council, bearing date the 22nd instant, prohibiting the exportation of certain munitions of war, to which I have to direct your special attention, in order that its injunction may be strictly carried out.

I am, &c.

(Signed) R. S. M. BOUCHETTE.

Inclosure 14 in No. 15.

The "Canadian Gazette" Extra of November 22, 1864.

PROVINCE OF CANADA.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To all to whom these presents shall come and whom the same may concern—Greeting:

John A. Macdonald, Attorney-General.

WHEREAS it is, in and by an Act of the Parliament of our said Province of Canada, made and passed in the 27th year of our reign, intituled "An Act to amend the Act respecting Duties of Customs and the collection thereof," amongst other things in effect enacted, that our Governor in Council may, by Proclamation or Order in Council, at any time, and from time to time, prohibit the exportation or the carrying coastwise, or by inland navigation, of the following goods:—arms, ammunition and gunpowder, military and naval stores, and any articles which our Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores. And, whereas, our Governor in Council has deemed it expedient that the exportation and also the carrying coastwise, or by inland navigation, of arms, ammunition and gunpowder, and military and naval stores, and any articles manufactured for the purpose of forming part of any kind or description of arms, or for the purpose of mounting the same, from our Province of Canada, be prohibited: Now therefore know ye that we do by and with the advice of our Executive Council, and by this our Royal Proclamation, prohibit the exportation from our Province of Canada or the carrying coastwise or by inland navigation, in any manner or way whatsoever, of arms, ammunition and gunpowder, or military or naval stores, or any articles manufactured for the purpose of forming part of any kind or description of arms, or for the purpose of mounting the same. Of all which our loving subjects are to take notice, and govern themselves accordingly.

In testimony whereof, we have caused these our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed: Witness, Our right trusty and well-beloved cousin the Right Honourable Charles Stanley Viscount Monck, Baron Monck of Ballytrammon, in the county of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. At our Government House, in Our City of Quebec, in Our said Province of Canada, this twenty-seventh day of November, in the year of our Lord, one thousand eight hundred and sixty-four, and in the twenty-eighth year of Our Reign.

By command,

(Signed) WILLIAM Mc DOUGALL, *Secretary.*

Inclosure 15 in No. 15.

Mr. Mc Donald to Mr. Kingsmill.

(Telegraphic.)

Quebec, November 23, 1864.

SPARE no pains to trace the ponderous box that left your place last week in a waggon, as mentioned in your letter. Answer by telegraph.

(Signed) JOHN A. Mc DONALD.

Inclosure 16 in No. 15.

Mr. Kingsmill to Mr. Mc Donald.

(Telegraphic.)

Guelph, November 24, 1864.

IT left Rockwood Station on the 11th of November, directed to David Smitter, Sarnia, together with two heavy barrels, all marked "Potatoes."

(Signed) J. J. KINGSMILL.

Inclosure 17 in No. 15.

Mr. Mc Donald to Mr. Kingsmill.

(Telegraphic.)

Quebec, November 24, 1864, 12:45 P.M.

PROCLAMATION issued, making such matters forfeitable. Go to Sarnia, and have it diligently searched for. Answer.

(Signed) JOHN A. Mc DONALD.

Inclosure 18 in No. 15.

Mr. Bernard to Mr. Bouchette.

Sir,

Quebec, November 24, 1864, 2:30 P.M.

WITH reference to my recent interviews with you, the Attorney-General desires me to inform you that, in addition to the boxes forwarded to Collingwood, addressed to H. M. Carroll, Spanish River, a box containing a gun (14-pounder) had been removed from Guelph, which could not then be traced.

The Attorney-General has just received from the County Attorney at Guelph a telegram, saying that the box containing the gun left Rockwood Station on the 11th November, directed to David Smitter, Sarnia, together with two heavy barrels, all marked "Potatoes." The Attorney-General requests that you will immediately telegraph to your officer at Sarnia as to the effect of the proclamation issued on the 22nd, and to mention the above facts in such a way as that he shall, if possible, be enabled to prevent the export of the gun and the barrels. Mr. Kingsmill, County Attorney at Guelph, who has conducted the previous inquiries in this matter, has been instructed by telegraph to proceed to Sarnia at once on the subject.

I have, &c.

(Signed) H. BERNARD.

Inclosure 19 in No. 15.

Mr. Spence to Mr. Bouchette.

(Telegraphic.)

Toronto, November 24, 1864.

BOTH messages of to-day received. Have instructed Wilson, and directed him to write me fully. Had not boxes better be forwarded to Toronto?

(Signed) R. SPENCE.

Inclosure 20 in No. 15.

Mr. Scully to Mr. Bouchette.

(Telegraphic.)

Sarnia, November 25, 1864.
 TWO barrels and one box despatched (potatoes) per "Duncan Smitten." Arrived here on the 14th November from Rockwood. Shipped on the 16th, per steamer "Reindeer," to Lexington, Michigan, in charge of owner, as informed by the wharfinger.
 (Signed) J. SCULLY.

No. 16.

Mr. Cardwell to Viscount Monck.

My Lord,

Downing Street, December 9, 1864.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 25th of November, reporting the circumstances under which you had issued a proclamation forbidding the exportation from Canada of warlike stores or munitions of war.

I have to acquaint you that Her Majesty's Government entirely approve of the course which, by the advice of your Ministers, you have taken in this case.

I have received from Earl Russell copies of a note from Mr. Seward and of its inclosures, copies of which were forwarded to you by Lord Lyons on the 23rd ultimo. Her Majesty's Government rely with confidence on your having used, and continuing to use, all the powers at your disposal in order to prevent the successful execution of any such schemes.

With regard to the persons whose extradition has been demanded by the United States' Government for the late alleged act of murder and robbery at St. Albans, your Lordship will necessarily have acted upon the decision of the proper legal authorities in Canada. If the decision shall be that they have not been guilty of any offence for which they can be delivered up to the Government of the United States, Her Majesty's Government do not doubt that you will have consulted your legal advisers whether the facts do not establish an offence against the sovereignty of the Queen punishable by the laws of Canada.

I have, &c.
 (Signed) EDWARD CARDWELL.

No. 17.

Mr. Adams to Earl Russell.—(Received December 12.)

My Lord,

Legation of the United States, London, December 12, 1864.

I HAVE the honour to submit to your consideration a copy of a letter addressed to the Secretary of War at Washington, by the officer holding the chief command in the military department embracing the northern frontier of the United States. I have already been called upon to enter so fully into the argument connected with this subject, that I deem it superfluous on the present occasion to do more than to furnish this paper as an additional illustration.

I pray, &c.
 (Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 17.

Major-General Dix to Mr. Stanton.

Sir,

Head-Quarters, Department of the East,
 New York, November 22, 1864.

I HAVE the following reliable information:—

There are about forty rebels in Marysburgh, Prince Edward's County, Canada, on the north-east of Lake Ontario, and north-west of Oswego. They drill regularly about three times a week, and are armed with revolvers. They board with the farmers in the

neighbourhood, seem to have plenty of money, and say they belong to John Morgan's corps. These organizations for hostile purposes on Canadian soil are so plainly in violation of all the obligations of neutrality that I cannot doubt the willingness of the Canadian authorities to put an end to them on proper notice.

There are some indications of retaliation on the part of our citizens along the frontier, on account of the outrages on the Detroit River and at St. Albans, and I think the publication of my report in regard to the former would have a salutary influence on both sides of the line.

I am, &c.
(Signed) JOHN A. DIX.

No. 18.

Viscount Monck to Mr. Cardwell.—(Received December 15.)

Sir, Quebec, November 28, 1864.

I HAVE the honour to transmit for your information copies of despatches and other documents noted in the margin, relating to the demand of the Government of the United States for the extradition of certain persons accused of having committed the crimes of murder, assault with intent to commit murder, and robbery, at St. Albans, in the state of Vermont.

I do not in general trouble you with applications of this nature, but as this case seems likely to raise an important question of international law, I think it my duty to put you in possession of all the information connected with it to which I have access.

I have, &c.
(Signed) MONCK.

No. 19.

Viscount Monck to Mr. Cardwell.—(Received December 15.)

Sir, Quebec, November 30, 1864.

REFERRING to my despatches of the 19th and 28th instant, I have the honour to transmit, for your information, copies of the documents noted in the margin, relating to the investigation into the case of certain persons now in custody at Montreal, charged with murder and assault with intent to commit murder at St. Albans, in the state of Vermont, and for whose extradition several applications have been made by the Government of the United States.

I have, &c.
(Signed) MONCK.

Inclosure 1 in No. 19.

Petition.

TO his Excellency the Right Honourable Charles Stanley Viscount Monck, Baron Monck of Ballytrammon in the county of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

THE petition of the undersigned Bennett H. Young, Samuel Eugene Lackey, Squire Turner Tevis, Alminda Pope Bruce, Charles Moore Swager, George Scott, Caleb McDowal Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, and William H. Hutchinson, all citizens of the Confederate States of America, and officers or soldiers in the army of the said Confederate States of America, now confined in the common gaol of the district of Montreal, on application from the Government of the United States of America for their extradition,

Respectfully sheweth:—

That your petitioners are charged with having committed divers crimes at St. Albans, in the state of Vermont, on the 19th day of October last, and that the said Government

of the United States, as your petitioners have been given to understand, have demanded of your Excellency the extradition of your petitioners by reason thereof.

That, in fact, whatever acts were done by your petitioners at St. Albans aforesaid on the same day were so done under the orders of Lieutenant Bennett H. Young, one of your petitioners, holding a commission from the said Confederate States, and under direct instructions to that effect from the said Government; that the said enterprise was planned, undertaken, and partially carried out in retaliation for the atrocities committed by Federal officers and soldiers in the said Confederate States; that it was not organised in Canada; that it was conducted without any breach of the neutrality laws of Great Britain or of Canada; and that the object of it was the sacking and burning of the principal banks and public buildings in the said town of St. Albans; but without injury to women or children, or to unresisting unarmed citizens.

That your petitioners were unexpectedly compelled to take refuge in Canada, which did not form any part of their plan of operations; but that in so doing they believed that they became entitled to that protection which is accorded under the law of nations to belligerents taking refuge in neutral territory.

That notwithstanding such reasonable expectation, your petitioners have been imprisoned upon charges of robbery, murder, and attempt to murder; that the evidence for the prosecution has been closed on one of the said charges, and your petitioners put upon their defence; and that your petitioners have been allowed till the 13th of December next to procure testimony for such defence. That the best evidence attainable and requisite for the defence of your petitioners can only be procured at Richmond, in the said Confederate States; but that the communication with Richmond is interdicted by the Federal Government, and can only be obtained by penetrating the Federal lines, which is both hazardous and uncertain; and that, in fact, it is stated by Federal newspapers, and is probably true, that one of the messengers already sent for that purpose by your petitioners has been arrested by the Federal Government.

That, under these circumstances, your petitioners throw themselves upon your Excellency's humanity and indulgence, believing that neither your Excellency nor the Government of Great Britain would desire the extradition of your petitioners, which would result in certain death to them, unless such extradition is imperatively demanded by the conventional relations of Great Britain and the United States, and by the statutes passed in that behalf; but that your petitioners desire no other interference on their behalf than such assistance as may lawfully be afforded to them in their attempt to procure from Richmond aforesaid evidence which will conclusively establish their innocence of any such crimes as are imputed to them by the said charges.

Your petitioners, therefore, pray that your Excellency will be pleased to send a Government messenger to Richmond aforesaid (whose expenses and salary your petitioners will pay), to be the bearer of an unsealed envelope, containing the evidence already taken on the said charges, certain newspapers establishing the present position thereof and of your petitioners, and an unsealed request for the transmission by the authorities of Richmond aforesaid of the evidence thereon specified, copies of all which documents have already been transmitted to their Excellencies Lord Lyons and the President of the United States.

And your petitioners, as in duty bound, will ever pray.

Montreal, November 18, 1864.

(Signed)

BENNETT H. YOUNG.
SAML. E. LACKEY.
C. M. SWAGER
JAMES A. DOTY.
DUDLEY MOORE.
SQUIRE T. TERVIS.
GEORGE C. SCOTT.

JOSEPH McGRORTY.
THOMAS B. COLLINS.
ALAMANDA P. BRUCE.
CALEB McD. WALLACE.
SAMUEL S. GREGG.
MARCUS SPURR.
WM. H. HUTCHINSON.

Inclosure 2 in No. 19.

Messrs. Abbott, Laflamme, and Kerr to Mr. Lincoln.

Mr. President,

Montreal, November 18, 1864.

AS Counsel for Bennett H. Young and thirteen other persons now in prison here on a demand for their extradition to Vermont on account of the attack on St. Albans, in that State, in last month, we have the honour respectfully to solicit from your Excellency an order for a pass through the army of the United States for a messenger to Richmond,

Virginia, to convey an application from Mr. Young on behalf of himself and comrades for certain documentary evidence to enable them to submit their case fully and fairly to the Judge now charged with the duty of adjudicating upon it. We have the honour to inclose to your Excellency printed copies of Mr. Young's application and the papers accompanying it, and we venture to hope that, in the interests of justice, your Excellency will grant our request, and also direct that obstacles which might otherwise be interposed to our receipt of an answer to the application in due time may be removed.

We have requested the Honourable James Mandeville Carlisle, counsellor-at-law, Washington, to wait upon your Excellency for your decision upon this matter, and we would most respectfully solicit as early an answer as may be convenient to your Excellency, as the delay granted to the prisoners for the purpose of obtaining the desired evidence extends only to the 13th proximo.

We have, &c.
(Signed) J. J. C. ABBOTT, Q.C.
R. LAFLAMME, Q.C.
W. H. KERR, *Advocate.*

Inclosure 3 in No. 19.

Messrs. Abbott, Laflamme, and Kerr to Lord Lyons.

My Lord,

Montreal, Canada East, November 18, 1864.

WE have the honour to inclose printed copies of the proceedings and depositions taken before Judge Coursol on the demand by the United States' Government for the extradition of the Confederate soldiers who sacked the St. Albans banks on the 19th of October last.

We also inclose a copy of Memorial addressed this day to his Excellency the Governor-General of Canada by the prisoners, also an application to the Federal Government of the United States by us as Counsel for the prisoners for a pass to a Government courier if one is allowed us, or for our own courier, or for the transmission through the Federal lines by flag of truce of a printed copy of the papers in the case (a duplicate of the printed copy herewith inclosed), with files of the "Herald," "Gazette," and "Telegraph" newspapers, published here, showing the exact position of the case, and with an unsealed letter from B. H. Young to Counsel in Richmond and to the Confederate authorities, and those of the State of Virginia, asking for authenticated copies of papers in the public offices of Richmond necessary for the defence of the prisoners.

As these prisoners have been constrained to take refuge in Canada, and are therefore under the protection of our laws, we venture to hope that we may presume to appeal to your Excellency, as the Representative of our Government at Washington, to aid in giving some effect to the humane decision of Judge Coursol, granting to these unfortunate men delay till the 13th of December next, to enable them to obtain evidence to be used in their defence. We therefore respectfully solicit your Excellency's influence to further our application to the Federal Government, and we have requested James Mandeville Carlisle, Esq., counsellor-at-law, at Washington, to wait upon your Excellency in connection with this request.

We have, &c.
(Signed) J. J. C. ABBOTT, Q.C.
R. LAFLAMME, Q.C.
W. H. KERR, *Advocate.*

Inclosure 4 in No. 19.

Messrs. Abbott, Laflamme, and Kerr to Mr. Carlisle.

Sir

Montreal, November 18, 1864.

WE are informed that we may venture to trouble you with the request that you will be good enough to wait as soon as possible upon their Excellencies the President of the United States and Lord Lyons, with reference to the inclosed documents and applications (copies of which have been sent to each), and to further as much as may be in your power the object which their perusal will disclose to you.

And in the event of a pass being granted we should be glad if you will take the trouble to engage and send off a messenger to Richmond, with instructions to await the

preparation of the documents required, and to bring them on direct to this city as quickly as possible, or to you, to be despatched by mail.

But if the Federal Government should themselves prefer to send a messenger of its own choice to Richmond, for the desired purpose, we should have perfect confidence in that mode of proceeding, and the papers may be handed to such messenger accordingly. Lord Monck is at Quebec, and no answer has been received from him.

Your, &c.

(Signed)

J. J. C. ABBOTT, Q.C.
R. LAFLAMME, Q.C.
W. H. KERR, *Advocate*.

Inclosure 5 in No. 19.

Lieutenant Young, C.S.A., to J. Randolph Tucker and Raleigh T. Daniels, Esqs., Counsellors-at-Law, and to the Authorities of the Confederate States, and to the Governor of the State of Virginia, Richmond, Va.

ON behalf of myself and those under my command I desire to obtain certain documents for our defence here in reference to the St. Albans affair, viz. :—

1. A copy of my commission as 1st Lieutenant C.S.A., dated 16th June, 1864, and a copy of my instructions same date. The originals given me are here, but properly authenticated copies may dispense with the proof of Mr. Seddon's signature, which may be attended with difficulty here.

2. A copy of the confidential instructions to me of the 20th of August, 1864, received at Chicago, August 31st, in cypher, and decyphered.

3. A copy of my report and muster roll, 31st August, at Chicago, if received by Adjutant-General.

Copies of any other documents at Richmond you may deem essential or useful to our defence.

All should be certified by Secretary of War, and his signature and office by Secretary of State, under seals, and by Executive of Confederate States under Great Seal, if there be such seal; and I am advised also by the Secretary of State and Governor of the State of Virginia, under the great seal of that State.

I send you files of the "Montreal Gazette," "Herald," and "Telegraph," and printed copies of the proceedings in the case, prepared for use of Counsel, showing how the case now stands. The newspapers contain reports of discussion by Counsel, which, though imperfect and loose, will suffice to explain the case.

Please send on all the papers indicated, as soon as possible, addressed to the Hon. J. J. C. Abbott, our leading Counsel. If printed, as it is presumed they will be, I have no objection that copies be sent to Federal Government, and to Lord Lyons at Washington, to the Governor-General of Canada, and to the Counsel for the Crown and the United States here.

Montreal Prison, November 18, 1864.

(Signed)

BENNETT H. YOUNG,
Lieutenant Commanding 5th Retributors, C.S.A.

Inclosure 6 in No. 19.

The Assistant Secretary to Messrs. Abbott, Laflamme, and Kerr.

Gentlemen,

Secretary's Office, Quebec, November , 1864.

I HAVE the honour, by command of his Excellency the Governor-General, to inform you that his Excellency is advised not to grant the application transmitted by you, of Bennett H. Young, Esq., and thirteen others, now confined in the common gaol of the district of Montreal, praying that a Government messenger be sent to Richmond, in the State of Virginia, to be the bearer of an unsealed envelope containing certain documents, with a request to the authorities at Richmond for the transmission of certain other documents which the petitioners declare are required for their defence.

I have, &c.

(Signed)

E. PARENT.

No. 20.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, December 16, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, inclosing a copy of a letter addressed to the Secretary of War of the United States by the officer holding the chief command in the Military Department, embracing the northern frontier of the United States, respecting the organization of a party of persons in Canada apparently with a view to hostile operations against the territory of the United States.

I have to state to you in reply that the attention of Her Majesty's Government is very seriously directed to the means of preventing such inroads on the territory of the United States as that which is commonly known by the name of "the St. Albans' raid." If it should appear that the persons concerned in such inroads are for any reason not subject to extradition, they and others must in some way be effectually prevented from committing similar offences against a neighbouring State.

But I need scarcely point out to you that any invasion of the Canadian territory from the United States would excite hostile feelings in Canada against the people of the United States, and might prove extremely injurious to the pacific relations between the two countries.

I am, &c.
(Signed) RUSSELL.

No. 21.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, December 16, 1864.

I INCLOSE, for your information, copies of a correspondence with Mr. Adams respecting the organisation of a party in Canada with a view to carrying on hostile operations against the United States.*

I am, &c.
(Signed) RUSSELL.

No. 22.

Mr. Cardwell to Viscount Monck.

My Lord,

Downing Street, December 16, 1864.

HER Majesty's Government have had under their consideration, and have referred to the Law Officers of the Crown the depositions taken in the case of the late attack upon St. Albans, Vermont, and forwarded to me in your despatch of the 19th ultimo.

You will necessarily have been guided by the decision of the proper legal authorities in Canada, whether the persons in custody ought or ought not to be delivered up under the Treaty of Extradition. If that decision shall have been that they ought, Her Majesty's Government will entirely approve of your having acted upon that decision. If the decision shall have been that they ought not, Her Majesty's Government think that the opinion of your legal advisers should be taken whether, upon the evidence and other information in the possession of the Canadian Government, these persons may not properly be put upon their trial on a charge of misprision and violation of the Royal prerogative, by levying war from Her Majesty's dominions against a friendly Power.

Unless the Canadian Law Officers should see reason to the contrary, Her Majesty's Government would wish that in the case supposed they should be retained in custody and brought to trial for that offence.

Her Majesty's Government also think that such a decision of the legal authorities of Canada would furnish a strong argument for the expediency of arming the Canadian Government as promptly as possible with such additional legal powers of prevention as were referred to in my despatch of the 3rd instant.

Since writing the foregoing part of this despatch, I have received your despatch of the 30th ultimo, to which it is not possible for me to reply by this day's mail.

* Nos. 17 and 20.

That despatch suggests the possibility that in the course of the proceedings some difficulty may arise on which it will be necessary for you to ask for specific instructions from the Home Government. You will not understand that anything I have written is intended to preclude you from the fullest opportunity of making such a reference; during which time it will, of course, be proper that the prisoners be detained in custody.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 23.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, December 17, 1864.

WITH reference to your Lordship's despatch of the 25th ultimo, I transmit to you herewith copies of instructions which have been addressed to the Governor-General of Canada by Her Majesty's Secretary of State for the Colonial Department on the subject of the recent attack on St. Albans, Vermont;* and I have to instruct you to communicate the substance of these instructions to Mr. Seward.

I am, &c.

(Signed) RUSSELL.

No. 24.

Viscount Monck to Mr. Cardwell.—(Received December 22.)

Sir,

Quebec, December 7, 1864.

I HAVE the honour to inclose, for your information, a copy of a despatch from Lord Lyons, with copies of its inclosures, respecting an alleged military organisation in Canada, of fugitives from the United States, together with a copy of my reply to Lord Lyons.

I have, &c.

(Signed) MONCK.

Inclosure 1 in No. 24.

Viscount Monck to Lord Lyons, December 6, 1864.

[See Inclosure 5 in No. 26.]

Inclosure 2 in No. 24.

Lord Lyons to Viscount Monck, November 30, 1864.

[See Inclosure 4 in No. 26.]

Inclosure 3 in No. 24.

Mr. Seward to Lord Lyons, November 29, 1864.

[See Inclosure 1 in No. 26.]

Inclosure 4 in No. 24.

Mr. Dana to Mr. Seward, November 25, 1864.

[See Inclosure 2 in No. 26.]

No. 25.

Mr. Cardwell to Viscount Monck.

Sir, *Downing Street, December 24, 1864.*
 I HAVE now to reply to your despatch of the 30th ultimo, reporting that the persons concerned in what is called the St. Alban's raid had applied to you to send a messenger of the British Government to Richmond, in order to obtain evidence stated by them to be necessary for their defence.

Her Majesty's Government consider that, under the circumstances stated in your despatch, the proper course would be for the Magistrate to grant such an enlargement of time as would give the prisoners a reasonable opportunity of obtaining the required evidence through any means of communication which are practically open.

It seems, therefore, that the course which you were advised to take was right, and that if any difficulty arose in the course of the proceedings at a later stage it would be open to you to take the advice of your Law Officers upon it, or, if need were, to refer for specific instructions to the Home Government.

I have, &c.
 (Signed) EDWARD CARDWELL.

No. 26.

Mr. Burnley to Earl Russell.—(Received December 25.)

My Lord, *Washington, December 13, 1864.*
 I HAVE the honour to inclose copies of correspondence with Mr. Seward and Viscount Monck in regard to the existence of a military organisation of insurgent fugitives from the United States in Canada.

I have, &c.
 (Signed) J. HUME BURNLEY.

Inclosure 1 in No. 26.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, November 29, 1864.*
 I HAVE the honour to invite your attention to the inclosed copy of a communication of the 25th instant from the War Department, giving a copy of a report of the 22nd instant from Major-General Dix in regard to the existence of a military organisation of insurgent fugitives from the United States in Canada.

I have, &c.
 (Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 26.

Mr. Dana to Mr. Seward.

Sir, *War Department, Washington City, November 25, 1864.*
 THE Secretary of War directs me to transmit for your information the inclosed copy of a letter from Major-General Dix relative to the disturbed condition of the Northern frontier.

I have, &c.
 (Signed) C. A. DANA,
Assistant Secretary of War.

Inclosure 3 in No. 26.

*Major-General Dix to Mr. Stanton.**Head Quarters, Department of the East, New York City,
November 22, 1864.*

Sir,

I HAVE the following reliable information:—

There are about forty rebels in Marysburgh, Prince Edward's County, Canada, on the north side of Lake Ontario, and north-west of Oswego. They drill regularly about three times a week, and are armed with revolvers. They board with the farmers in the neighbourhood, seem to have plenty of money, and say they belong to John Morgan's corps. These organisations for hostile purposes on Canadian soil are so plainly in violation of all the obligations of neutrality that I cannot doubt the willingness of the Canadian authorities to put an end to them on proper notice.

There are some indications of retaliation on the part of our citizens along the frontier on account of the outrages on the Detroit River and at St. Albans, and I think the publication of my report in regard to the former would have a salutary influence on both sides of the line.

I have, &c.

(Signed) JOHN A. DIX, *Major-General.*

Inclosure 4 in No. 26.

Lord Lyons to Viscount Monck.

My Lord,

Washington, November 30, 1864.

I HAVE the honour to transmit to your Excellency herewith copies of a note and of its inclosures, which I have received from the Secretary of State of the United States relative to the alleged existence of a military organisation in Canada of fugitives from the United States.

I have, &c.

(Signed) LYONS.

Inclosure 5 in No. 26.

Viscount Monck to Lord Lyons.

My Lord,

Quebec, 6th December, 1864.

I HAVE the honour to acknowledge the receipt this day of your despatch of the 30th November inclosing copies of the documents noted in the margin,* and respecting the alleged organisation and drilling in Prince Edward's County, Canada West, of fugitives from the United States.

In reply, I have the honour to state for the information of Mr. Seward, that I will take immediate steps to investigate the accuracy of the information communicated to Major-General Dix, and should it prove well-founded I will use all legal means to put an end to the practice.

I have, &c.

(Signed) MONCK.

Inclosure 6 in No. 26.

Mr. Burnley to Mr. Seward.

Sir,

Washington, December 12, 1864.

I FORWARDED on the 30th ultimo to his Excellency the Governor-General of Canada, copies of your note of the 29th ultimo and its inclosures, relative to the alleged existence of a military organisation in Canada of fugitives from the United States.

I have now the honour to transmit to you a copy of his Excellency's reply.

I have, &c.

(Signed) J. H. BURNLEY.

* Mr. Seward to Lord Lyons, November 29, 1864; Assistant Secretary of War to Mr. Seward, November 25, 1864; Major-General Dix to Mr. Stanton, November 22, 1864: Inclosures 1, 2, and 3 in No. 26.

Letter addressed to Mr. Benjamin.—(Communicated to Earl Russell by Mr. Adams, December 28.)

Sir,

St. Catherine's, Canada West, November 1, 1864.

YOU have doubtless learned, through the Press of the United States, of the raid on St. Albans, Vermont, by about twenty-five Confederate soldiers, nearly all of them escaped prisoners, led by Lieutenant Bennett H. Young; of their attempt and failure to burn the town, and of the robbery of three banks there, of the aggregate amount of about 200,000 dollars; of their arrest in Canada by United States' forces, their commitment, and the pending preliminary trial. There are twelve or fourteen of the twenty-five who have been arrested, and who are now in prison at Montreal, where the trial for commitment of extradition is now progressing. A letter from the the Honourable J. J. C. Abbott, the leading Counsel for the prisoners, dated Montreal, 25th October, says to me,—“We” (prisoner's counsel) “all think it quite clear that the facts will not justify a commitment for extradition under the law as it stands; and we conceive the strength of our position to consist in the documents we hold establishing the authority of the raiders from the Confederate States' Government. But there is no doubt that this authority might be made more explicit than it is, in so far as regards the particular acts complained of; and I presume the Confederate Government will consider it to be their duty to recognize, officially, the acts of Lieutenant Young and his party, and will find means to convey such recognition to the prisoners here in such a form as can be proven before our Courts. If this were accompanied or followed by a demand upon our Government that the prisoners be set at liberty, I think a good effect would be produced, although, probably, the application would not be received by the authorities. There will be, at least, a fortnight's time, and probably more, expended in the examination of witnesses, so that there will be plenty of time for anything that may be thought advisable to be done in behalf of the prisoners.”

I met Mr. Young at Halifax on my way here in May last. He showed me letters from men whom I knew, by reputation, to be true friends of State rights, and therefore of Southern independence, vouching his integrity as a man, his piety as a Christian, and his loyalty as a soldier of the South. After satisfying me that his heart was with us in our struggle, and that he had suffered imprisonment for many months as a soldier of the Confederate States' army from which he had escaped, he developed his plans for retaliating some of the injuries and outrages inflicted upon the South. I thought them feasible, and fully warranted by the law of nations, and therefore recommended him and his plans to the Secretary of War. He was sent back by the Secretary of War with a commission as second Lieutenant to execute his plans and purposes, but to report to Hon. — and myself. We prevented his achieving or attempting what I am sure he could have done, for reasons which may be fully explained hereafter. Finally disappointed in his original purpose, and in all the subsequent enterprises projected, he proposed to return to the Confederate States *via* Halifax, but passing through the New England States, and burning some towns, and robbing them of whatsoever he could convert to the use of the Confederate Government.

This I approved as justifiable retaliation. He attempted to burn the town of St. Albans, Vermont, and would have succeeded but for the failure of the chemical preparation with which he was armed. Believing the town was already fired in several places, and must be destroyed, he then robbed the banks of all the funds he could find, amounting to more than 200,000 dollars. That he was not prompted by selfish or mercenary motives, and that he did not intend to convert the funds taken to his own use, but to that of the Confederate States, I am as well satisfied as I am that he is an honest man, a true soldier and patriot, and no one who knows him will question his title to this character. He assured me before going on the raid that his efforts would be to destroy towns and farm-houses, not to plunder or rob; but he said if after firing a town he saw he could take funds from a bank or any house which might inflict injury on the enemy, and benefit his own Government, he would do so. He added most emphatically that whatever he took should be turned over to the Government, or its Representatives in foreign lands. My instructions to him, oft repeated, were, “to destroy whatever was valuable, not to stop to rob, but if after firing a town he could seize and carry off money, or treasury or bank notes, he might do so, upon condition that they were delivered to the proper authorities of the Confederate States. That they were not delivered according to his promise and undertaking was owing, I am sure, to the failure of his chemical compound to fire the town, and to the capture of himself and men on Canadian soil, where they were surprised and overpowered by superior numbers from the United States. On showing me his commission

and his instructions from Mr. Sedden, which were of course vague and indefinite, he said he was authorized to do all the damage he could to the enemy in the way of retaliation. If this be true, it seems to me the Confederate States' Government should not hesitate to avow his act was fully authorized as unwarrantable retaliation. If the Government do not assume the responsibility of this raid, I think Lieutenant Young and his men will be given up to the United States' authorities. If so, I fear the exasperated and alarmed people of Vermont will exact cruel and summary vengeance upon them before they reach the prison of St. Albans.

The sympathies of nine-tenths of the Canadians are with Young and his men; a majority of all the newspapers justify or excuse his act as merely retaliatory, and they desire only the authority of the Confederate States' Government for it to refuse their extradition. The refusal of extradition is fully warranted by the like course of the United States in many cases cited lately in the Canadian papers, which I cannot now repeat, but which you can readily find. The refusal of extradition would have a salutary political influence, it is thought, both in the British Provinces and in England. I cannot now explain why; I trust, therefore, for the sake not only of the brave soldiers who attempted this daring exploit (which has caused a panic throughout the United States bordering on Canada, and the organization of forces to resist, as well as the arbitrary and tyrannous order of General Dix touching the coming Presidential election), but for the sake of our cause and country, that the President will assume the responsibility of the act of Lieutenant Bennett H. Young, and that you will signify it in such form as will entitle it to admission as evidence in the pending trial.

I send the special messenger, who bears this, that your answer may be brought back by him within ten days or by the 11th instant. The final judgment can and will be postponed for the action of the Confederate States' Government as long as possible, certainly for ten days. I avail myself of this opportunity to bring to your notice the case of Captain Charles H. Cole, another escaped prisoner of General Forrest's command, who was taken about six weeks since in the "Michigan" (the Federal war-steamer on Lake Erie), and is charged with an attempt at piracy (for attempting to capture the vessel), with being a spy, &c., &c. The truth is, that he projected and came very near executing a plan for the capture of that vessel, and the rescue of the prisoners on Johnson's Island. He failed only because of the return of the Captain (Carter) of the "Michigan" a day sooner than expected, and the betrayal (in consequence of C.'s return) of the entire plot. The only plausible ground for charging him with being a spy is, that he was in Sandusky, on Johnson's Island, and on the "Michigan" frequently, without having on his person the Confederate uniform, but wearing the dress of a private citizen. Mr. — and I have addressed a letter to the Commandant at Johnson's Island, protesting against his being treated as a spy, for the following reasons:—That he was in the territory of the United States as a prisoner against his consent; that he escaped by changing his garb; that he had no Confederate uniform when he visited Sandusky, Johnson's Island, and the "Michigan;" that he did not visit them as an emissary from the Confederate States; that whatever he conceived he had not executed anything; that he had conveyed no information to his Government and did not contemplate conveying any information to his Government. His trial has been postponed; I know not why, or for what time. His exchange should be proposed, and notice given that any punishment inflicted on him will be retaliated upon an officer of equal rank. He is a very brave and daring soldier and patriot, and deserves the protection of his Government.

I wrote to you on the 14th June, to the President 25th July, and to you on 11th August and 12th September last. I trust you received these letters. Mr. H—— (who I see has gotten into the C. S.) has doubtless explained things here. I have never received a line from you or any person excepting my brother at Richmond. I have not changed the views expressed in my former communications. All that a large portion of the Northern people, especially in the north-west, want, to resist the despotism at Washington, is a leader. They are ripe for resistance, and it may come soon after the Presidential election. At all events it must come if our armies are not overcome and destroyed, or dispersed. No people of the Anglo-Saxon blood can long endure the usurpation and tyrannies of Lincoln. Democrats are more hated by Northern Republicans than Southern rebels, and will be as much outraged and persecuted if Lincoln is re-elected. They must yield to a cruel and disgraceful despotism or fight. They feel it and know it.

I do not see that I can achieve anything by remaining longer in this province, and, unless instructed to stay, shall leave here by the 20th instant for Halifax, and take my chance for running the blockade. If I am to stay till spring I wish my wife to join me, under a flag of truce, if possible. I am afraid to risk a winter's residence in this latitude and climate.

I need not sign this. The bearer and the person to whom it is addressed can identify me. But I see no reason why your response should not be signed and sealed, so as to make it evidence as suggested in respect to the St. Alban's raid. A statement of prisoner's counsel has been sent by way of Halifax and Wilmington, but it may never reach you, or not in time for the deliverance of the prisoners. This is my chief reason for sending this by one I think I can trust.

Please reply promptly and start the messenger back as soon as possible. He will explain the character of his mission. Send under a seal that cannot be broken without being discovered.

I am, &c.

No. 28.

Brigadier-General Townsend to Mr. Seward.—(Communicated to Earl Russell by Mr. Adams, December 28.)

*War Department, Adjutant-General's Office,
Washington, December 12, 1864.*

Sir,

BY direction of the Secretary of War I have the honour to forward herewith copies of letters from Major-General Hooker and Lieutenant-Colonel Hill, in relation to the manufacture of Greek fire at Windsor, Canada, to be used in firing certain cities of the United States by rebel emissaries.

I have, &c.

(Signed) E. D. TOWNSEND.

Inclosure 1 in No. 28.

Major-General Hooker to Brigadier-General Townsend.

*Head-Quarters, Northern Department, Cincinnati,
Ohio, December 6, 1864.*

General,

I HAVE the honour to forward herewith a copy of a letter dated the 3rd instant, just received from Lieutenant-Colonel R. H. Hill, commanding the district of Michigan, as it contains information of importance to all of our frontier bordering upon Canada. The information has been furnished by one of our most reliable detectives, and unusual confidence may be placed in it. A few days since advices of similar import were received by me. From the letter it will be seen that refugees and deserters from the rebel Confederacy are engaged in the manufacture of Greek fire at Windsor in Canada, to facilitate their incendiary purposes. With regard to attacks from armed bodies of rebels I feel much less apprehension than from individual efforts to burn and plunder our cities, as my means of information are such that I hope to be able to anticipate the former. It is almost unnecessary for me to add that I have enjoined unceasing vigilance and activity on the part of the military and civil authorities throughout my command.

Very, &c.

(Signed) JOSEPH HOOKER.

Inclosure 2 in No. 28.

Lieutenant-Colonel Hill to Captain Palter.

*Head-Quarters, District of Michigan, Detroit,
Michigan, December 3, 1864.*

Sir

I HAVE the honour to report that from information I have received I am satisfied that very extensive preparations are being made in Canada for burning not only cities on the lakes but others, and it is very necessary that great precaution and vigilance should be observed everywhere.

I have the assurance that greek fire is being prepared at Windsor. Buffalo, Cleveland, and this city will be the principal cities to be burned, and there will be armed attempts to rob and plunder. Cincinnati and Louisville are also mentioned.

I am also informed that by some means a large number of rebel soldiers have been introduced into Canada; some it is said have been furloughed, and have made their way through the lines.

I have at this time very excellent means of obtaining information, and the only apprehension I have is that the person in my employ may fail me at the last moment. In this city I have called the attention of the hotel-keepers to the necessity of observing great vigilance in regard to their guests, and the hotels are daily visited by a secret agent in my employ.

I am, &c.
(Signed) B. H. HILL.

No. 29.

Mr. Dana to Mr. Seward.—(Communicated to Earl Russell by Mr. Adams, December 28.)

Sir,

War Department, Washington City, December 12, 1864.

THE Secretary of War directs me to transmit for your information and for such action as you may consider necessary, a copy of a letter from Major-General Dix relative to the plans of the rebels in Canada.

I have, &c.
(Signed) C. A. DANA, *Assistant Secretary of War.*

Inclosure in No. 29.

Major-General Dix to Mr. Stanton.

*Head-Quarters, Department of the East, New York City,
December 10, 1864.*

Sir,

THERE are such strong indications of a purpose on the part of the rebels in Canada to burn and plunder our frontier towns, that I deem it my duty to ask for a regiment of mounted men for their protection. I have reliable information that organised expeditions are now in preparation for the purpose, and I have no force to spare for resisting them. If such a regiment cannot be put at my disposal, I ask authority to raise five companies of mounted men to be distributed along the frontier of New York and Vermont. It is very desirable that they be mounted, in order to make the pursuit of the raiders effectual.

It is reported to me on authority which I cannot doubt, that Colonel Butler's regiment of Kentucky Cavalry has been furloughed to meet in Canada, and is making its way there.

I am, &c.
(Signed) JOHN A. DIX.

No. 30.

Earl Russell to Mr. Burnley.

Sir,

Foreign Office, December 29, 1864.

YESTERDAY, the 28th, Mr. Adams called upon me by his own desire at the Foreign Office.

He expressed to me by the order of his Government the great regret felt by them at the departure of Lord Lyons, and offered to show me a letter of Mr. Seward to Lord Lyons testifying that regret.

I told him that equal regret was felt on our side, and that nothing but the failing health of Lord Lyons would have induced Her Majesty's Government to consent to his temporary departure. Mr. Adams promised to send me a copy of the letter of Mr. Seward.

Mr. Adams then spoke to me of two or three matters of very little importance, and finally entered on that which he said was the chief object of his seeking an interview with me, namely, the border raids which had been executed or were in preparation from Canada.

Mr. Adams said that my last letter to him had contained assurances so positive and unequivocal that he should not have asked me for any further declarations had he not received by the last packet positive injunctions to make to me certain communications.

The documents which he then put into my hands, and of which I send you copies,* consisted mainly of—

* Nos. 27, 28, and 29.

1. An intercepted letter written by a Confederate partizan from Canada, not signed, but evidently authentic. This letter, written before the re-election of President Lincoln, shows that although the particular raid or foray against St. Alban's was not directed by the Confederate Government, yet the general plan of burning towns and robbing banks in the frontier States of the United States was concerted and approved by the Confederate authorities. The failure of the attempt to burn the banks and houses of St. Albans is attributed to some defect in the chemical preparation which had been used.

2. The next document contains evidence that the town of Windsor in Canada had been fixed upon by the Confederates for the preparation and manufacture of a chemical material to be used in setting on fire the towns and villages of the United States.

3. The third set of documents contain a letter of the Assistant-Secretary of War to Mr. Seward, inclosing for such action as might be considered necessary, a copy of a letter of General Dix, in which he states that he has information upon which he can rely that a Confederate regiment, namely, Colonel Butler's regiment of Kentucky Cavalry, was to be furloughed into Canada for the purpose of disturbing from that neutral position the frontiers of the United States.

Mr. Adams, after I had read these documents, said that Mr. Seward had directed him to put them into my hands in order that Her Majesty's Government might take such measures as were required by our own declarations of neutrality, and the relations of amity subsisting between the two nations.

I said that I had already assured him, in the letter to which he had alluded, that Her Majesty's Government would adopt such measures as may be required and may be effective, for the maintenance of Her Majesty's declared neutrality; that one of the measures to which I meant to refer was a direction already sent to the Governor-General of Canada to propose to his Legislature a measure similar to the United States' Act of Congress of 1838; that whatever technical grounds may have been found for delivering from custody the St. Albans raiders, all the highest law authorities in this country concurred in thinking that any act done in Canada in violation of Her Majesty's neutrality and in disobedience to Her Majesty's Proclamation would be illegal; that it remained for Her Majesty's Government to give such directions and adopt such measures as might insure the punishment of persons guilty of such illegal acts, and prevent the repetition of such acts for the future. I said that Her Majesty's Government were fully aware of their international duties and determined to perform them.

I then asked Mr. Adams whether he had seen the second edition of the "Times." Mr. Adams said he had. The paragraph to which I meant to allude was to the following purport:—"In consequence of the discharge of the St. Albans raiders and preparations in Canada for the renewal of similar enterprises, the military commanders on the frontier are directed by General Dix, in case of further acts of depredation, to shoot down the perpetrators if possible, and, if necessary for their capture, to cross the Canadian boundaries and pursue them wherever they take refuge, and not to surrender them if captured, but send them on to head-quarters for trial by court-martial."

Finding that Mr. Adams had read this paragraph, I said that with regard to the treatment of such depredators in the United States' territory I had nothing to say; but I had seen with regret that orders were given to pursue such persons in Her Majesty's Canadian territory; that such pursuit might encounter resistance, and the relations of the two countries might be thus endangered.

Mr. Adams said that such outrages caused so great a resentment, it was difficult to restrain troops in pursuit of their enemy.

I said that was very true, and that troops in pursuit or in the heat of blood might not accurately respect an ill-defined boundary; but this was a deliberate order of a General in the military service of the United States.

Mr. Adams said he knew General Dix, who bore a high character for sense and moderation.

I said that might be, but we must all recollect the very just remark of President Lincoln, that these inroads and depredations were organized with a view to bring on a war between Great Britain and the United States; that both Governments were bound to do everything in their power to defeat so wicked a design; that for our parts we had nothing more at heart.

Mr. Adams then took his leave.

I am, &c.
(Signed) RUSSELL.

Mr. Cardwell to Viscount Monck.

Downing Street, December 31, 1864.

My Lord,

I HAVE the honour to transmit to you, for your information, the inclosed copies of papers received at the Foreign Office from Mr. Adams relative to Confederate organizations in Canada and to the St. Albans raid.

You are in possession of other documents of the same nature which have been communicated to you directly from the British Minister at Washington, and subsequently made known to me by the Foreign Office.

I have learnt with great regret from the reports which have reached this country that the prisoners in the St. Albans case have been released upon some technical objection, the Court not having heard the case upon its merits. Her Majesty's Government can of course express as yet no opinion upon this subject, on which I have not received your report; but they are sure that you and your Ministers are most anxious to vindicate the just authority of the Crown, and to preserve inviolate the neutrality of British territory, and rely with confidence that you will not have failed in using for these purposes all the powers which you possess and will have taken into your mature consideration the adequacy of those powers and the propriety of applying to your Legislature for fresh powers. With these observations I shall wait for your report, and for your reply to my former despatches on the subject.

I have, &c.

(Signed) EDWARD CARDWELL.

Mr. Burnley to Earl Russell.—(Received January 2, 1865.)

Washington, December 15, 1864.

(Extract.)

THE liberation of the St. Alban's raiders has excited in the press and Congress of the United States both comment and discussion.

The inclosed extract from this morning's papers will show your Lordship what passed before the Montreal Court, and that the grounds for the liberation of the prisoners were based upon the fact that the Provincial Canadian Act, to carry into effect the Ashburton Treaty, had not received the special Royal sanction requisite.

That in consequence the Imperial Act must rule, and that Act required that the warrant, under which the prisoners were arrested, should be signed by the Governor-General; that failing that, the Court possessed no jurisdiction and the order was accordingly issued to liberate the prisoners.

The announcement of the release of the prisoners has been followed up by a special order of the day from General Dix, enjoining, among other things, on Commanders to cross the boundary line between the United States and Canada and pursue the offenders, and bring them into head-quarters.

I am bound to say, however, that this order has been issued without instructions from this Government, and Mr. Seward, on my speaking to him on the general question this morning, informed me that steps had been taken to prevent any action as regards the question of crossing into Canada, and I telegraphed in this sense to the Governor-General of Canada.

In the Senate two Resolutions were brought forward by Mr. Chandler, Chairman of Commercial Relations, which, although they have no particular reference the one to the other, may be presumed from their contiguity to bear upon the hostile feeling of the day.

The first was that the Military Committee should inquire into the expediency of immediately enlisting an army corps to watch and defend the territory bordering on the lakes from all hostile demonstrations, and the second that the Secretary of State be instructed to make out a list of all vessels and cargoes destroyed by piratical ships fitted out in British harbours, with a separate valuation of the same and interest thereon at the rate of 6 per cent. per annum, and that he be directed to demand from the British Government payment in full for all ships or cargoes destroyed as aforesaid.

Both these Resolutions have been negatived by Mr. Reverdy Johnson and allowed to lie over.

Late last night I received a telegram from Viscount Monck, informing me that fresh warrants had been issued for the apprehension of the prisoners, and that the police were

making every effort to prevent their escape. As considerable irritation exists in the public mind at present on this topic, I communicated it verbally to Mr. Seward this morning.

Inclosure in No. 32.

Extract from "Daily Morning Chronicle" of December 15, 1864.

Discharge of the St. Albans' Raiders.

Montreal, December 13, 1864.

THE case of the St. Albans' raiders were reopened to-day before Justice Coursol. The court-room was well filled with spectators. The appearance of the prisoners was much the same as at the last hearing.

At the commencement of the proceedings Mr. Kerr objected that the Court had no jurisdiction in the case. He denied *in toto* his Honour's right to sit there at all on this investigation.

Mr. Devlin said that, after having granted a delay of a month, they had now met to hear evidence for the defence, and not to listen to a legal argument.

After a few words from the Court, and from Mr. Johnson, Queen's Counsel—

Mr. Kerr was allowed to go into an argument as to the jurisdiction of the Court in the premises, and after some discussion between the Counsel, the Court said that this was a matter of most grave importance, involving his right of jurisdiction, and, consequently, the validity of these proceedings from the commencement. He should, therefore, take time to consider it before proceeding further, and for this purpose the Court would adjourn until 3 P.M.

The Court reassembled at 3 o'clock, and was densely crowded. Justice Coursol, on taking the bench, said the matter in question was most important, since his authority had been denied. He had given the argument on both sides his most serious consideration, and had come to the conclusion that the case came under the Imperial Act, and that he was bound to act and to obey the Imperial authority. In a national question, like the one under consideration, the Imperial Act was supreme, and must be his guide. Our own Provincial Act to carry into effect the Ashburton Treaty had not received the special royal sanction requisite. The case was a most exceptional one, and being national he could do no other than allow our own Act to give way before that of the Imperial Legislature. The revised Imperial Act must rule herein, and that Act required that the warrant under which the prisoners were arrested should be signed by the Governor-General. If the Court could have reserved the point for a higher tribunal it would most gladly have done so, but since the liberty of the subject was involved there admitted of no delay, and since he had not had the warrant of the Governor-General, he had come to the conclusion that the Court possessed no jurisdiction in the case, and he must order the immediate release of the prisoners.

This announcement was received with applause by a number of persons present, but the demonstration was instantly checked.

Mr. Devlin then rose, and in a most impassioned speech implored his Honour not to order the discharge of the prisoners upon the remaining indictments, but in fairness and justice to the Counsel for the United States, and for those of the private prosecutors, the Banks, to allow of a hearing. He contended that the prisoners could be discharged only on this one particular indictment, and the Court owed it to the Counsel to be heard on the others. Should it be said in an English Court of Justice that the Judge having decided in favour of the prisoners in one case, he immediately discharged them in six others, what would be said outside? The Counsel for the defence themselves knew that that the course which the Court had taken was unprecedented. Had not his Honour issued six warrants, and yet he had but one warrant before him. He called solemnly on the Court to hesitate. He (Mr. Devlin) could not remain silent whilst thirteen men charged with robbery, and even murder, were allowed to go at liberty without their several cases being investigated. Our good name for justice and fair play was at stake, and though some amongst us might be sympathizers with the prisoners, he had yet to learn that they set at naught the jewel fair play. He again called upon the Court to hesitate before discharging these men, and give the Counsel for the prosecution a chance of being heard, for here the most important interests of all were at stake, viz., international ones. He again implored the Court not to order this wholesale delivery. He would put to the Court, was it treating the Counsel for the prosecution with fairness? If the Court should persist in doing this, then we must be prepared for the consequences. No country had dealt fairer with England in extradition matters than had the United

States. Their Judges combined to give effect to the Extradition Treaty. The Judges of our Supreme Court had concurrent jurisdiction with his Honour, and had Counsel known of the probable course of his Honour, they would have desired the Court to allow these Judges to have seats on the bench with him.

Mr. Johnson rose and said that both those who represented the United States and those who represented private interests in this affair had upon them a grave responsibility, but he thought Mr. Devlin mistaken in the view which he took of the judgment of the Court. The Court meant that the prisoners were discharged on the one charge which had been investigated.

The Court here said that Mr. Devlin had understood the judgment of the Court aright. The prisoners were discharged in every case before him.

Messrs. Kerr, Abbott, and Laflamme, Counsel for the prisoners, objected to any calling in question of the judgment.

Mr. Rose, Counsel for the United States, wished to speak. He said he did not mean to call his Honour's judgment just delivered in question.

The Court declined to hear further, saying that if he had no right to arrest these men on one charge, as he held that he had not, then neither had he the right to detain them on any others. These men had been arrested on Magistrates' warrants upon his own motion, and then on motion of the police, and now when his Honour's own jurisdiction was called in question because his warrants were null and void he saw he had been mistaken, and it was the duty of every British Judge, on finding that, to rectify his errors.

The Court ordered, therefore, that the prisoners be immediately discharged, and was prepared to incur the responsibility of its own acts.

Applause again broke out in the Court, but was again instantly checked.

In a few minutes the prisoners walked through the Court-room, and were congratulated by a few of their acquaintances; and when they emerged from the building a few voices were raised in something meant to be cheers. They then separated, looking pleased at their enlargement, and the crowd at once dispersed.

CASE OF THE ST. ALBANS RAIDERS.—The pretext upon which the St. Albans raiders have been set at large, and their plunder restored to them, namely, that it was necessary, under the Act of the British Parliament, for the Governor-General to have issued his warrant for their arrest, is believed to be the first in the many cases of extradition which have taken place where it has been put forward. The Canadian Acts of the 30th of May, 1849, and 18th of May, 1861, were passed expressly to provide for the contrary. They contain the following words:—"And whereas certain provisions of the Act passed by the Parliament of Great Britain, for the apprehension of certain offenders, have been found inconvenient in practice in this province, and more especially that provision which requires that, before any such offender as aforesaid shall be arrested, a warrant shall issue under the hand and seal of the person administering the Government," &c.

New York, December 14.—The following General Orders have just been issued:—

General Orders, No. 97.

Head Quarters, Department of the East, New York City,
December 14.

"Information having been received at these head-quarters that the rebel marauders who were guilty of murder and robbery at St. Albans, Vermont, have been discharged from arrest, and that other enterprises are actually in preparation in Canada, the commanding General deems it due to the people of the frontier towns to adopt the most prompt and efficient measures for the security of their lives and property.

"All military commanders on the frontier are, therefore, instructed, in case further acts of depredations or murder are attempted, whether by marauders or persons acting under commissions from the rebel authorities at Richmond, to shoot down the perpetrators, if possible, while in the commission of their crimes, or if it be necessary, with a view to their capture, to cross the boundary between the United States and Canada, said Commanders are hereby directed to pursue them wherever they may take refuge; and, if captured, they are under no circumstances to be surrendered, but are to be sent to these head-quarters for trial and punishment by martial law. The Major-General commanding

the Department will not hesitate to exercise, to the fullest extent, the authority he possesses under the rules of law recognized by all civilized States in regard to persons organizing hostile expeditions within neutral territory, and fleeing to it for an asylum after committing acts of depredation within our own, such an exercise of authority having become indispensable to protect our cities and towns from incendiaries, and our people from robbery and murder.

"It is earnestly hoped that the inhabitants of our frontier districts will abstain from any retaliation on account of the outrages committed by the rebel marauders; and that the proper means of redress will be left to the action of the public authorities.

"By command of Major-General Dix.

(Signed)

"D. T. VAN BUREN,

"Colonel and Assistant Adjutant-General."

Mr. Chandler.—I see in the morning papers the following announcement from Toronto:

"The St. Albans raiders have been discharged for want of jurisdiction."

I desire to offer a couple of Resolutions this morning bearing upon this subject—one of them particularly; but I do not expect to make the Senate understand the state of feeling existing on the border. I have a great number of letters in my possession from gentlemen living on that border. In my own city, which is within musket range of the Canadian border, thousands of citizens have been under arms for a long time. We have been in a continual state of alarm for incendiaries, burglars, and robbers. From the commencement it would seem that the Canadian authorities have made up their minds to protect these robbers. As I understand it, a man comes from the South with a commission purporting to be issued by Jeff. Davis. He enlists his robbing parties, crosses the borders, murders and robs, and returns to Canada, where he is protected. These letters which I have in my possession are all bearing upon this point. The one in my hand now is from one of the most respectable citizens of Detroit, a gentleman of great wealth and high political and social position, who earnestly desires to avoid any difficulty with Great Britain at this time. He says: "The anxiety growing out of the mist and doubt encircling every rumour that reaches us is not to be endured; and upon some slight provocation, one of these days, regardless of neutral lines, our people will be found engaged in Canada in some act that the Canadian Government will say is wrong, and sooner or later war will be the result." He says, also, "Will you give this subject your immediate attention, for I think it involves, sooner or later, if not properly managed, war with Great Britain?" Mr. President, I have no expectation of making the Senate comprehend the state of excitement thus announced, and the state of feeling on that border. Vermont may, for aught I know, quietly submit to have her towns robbed and her citizens murdered, but the North-west will not. I offer this Resolution:—

"Whereas recent raids have been organised in the Canadas and Nova Scotia, and men enlisted in said British provinces, by men purporting to hold commissions from the rebels of the United States, of burning cities and villages, of piratically capturing merchant-vessels and murdering their crews, and for a general system of murder, arson, robberies, and plunder of the peaceable and unarmed citizens of the United States; and whereas the people of the British provinces seem disposed to protect these thieves, robbers, incendiaries, pirates, and murderers, not only in their individual capacities, but by the quibbles of law; therefore,

"Resolved—That the Committee on Military Affairs be directed to inquire into the expediency of immediately enlisting an army corps to watch and defend our territory bordering on the lakes and Canadian line from all hostile demonstrations and incursions."

Mr. Johnson.—I object to the Resolution.

The President pro tem.—The Resolution will lie over, objection being made.

Mr. Chandler.—I had hoped there would be no objection to it. I will now offer another Resolution, which I ask to be referred to the Committee on Commerce.

The Resolution was read, as follows:—

"Whereas at the commencement of the present rebellion the United States were at peace with all the governments of the world, and upon terms of comity and good will with Great Britain; and whereas that nation, before the arrival on her soil of our Minister accredited to the Administration of President Lincoln, precipitately acknowledged the rebels as belligerents, thus recognizing their flag upon the ocean, without which recognition it would have been regarded and treated as piratical by all other Powers; and

whereas she then proclaimed perfect neutrality between a Republic with which she had entertained friendly relations for upwards of a half century and its treasonable subjects; and whereas numbers of her subjects, with the knowledge of her government, commenced fitting out British fast-sailing ships, loaded with munitions of war, for the purpose of running into our blockaded ports to the rebels, thus furnishing them the means of organizing and continuing the rebellion, and without which it could not have sustained itself six months; and whereas in addition to the above, and with the knowledge of the Government, British subjects and members of Parliament engaged in the manufacture of piratical English ships, owned by British subjects, manned by British seamen, and sailing under British colours, for the purpose of burning, destroying, and utterly driving from the ocean all peaceful merchant-vessels sailing under the United States' flag; and whereas many private and unarmed American ships have been burned and destroyed by these pirates from English ports, thus causing great loss and damage to the citizens of the United States; therefore,

"Resolved, That the Secretary of State be instructed to make out a list of each ship and cargo thus destroyed, with a fair and separate valuation thereof, and interest thereon, at the rate of six per cent. per annum, from the date of capture or destruction to the date of presentation, and that he be directed to demand from the British Government payment in full for all ships or cargoes destroyed as aforesaid."

Mr. Johnson objected, and the Resolution lies over.

Mr. Doolittle wished to have the Resolution in relation to taxation, offered by him on Monday, taken from the table and referred to the Committee on Finance.

No. 33.

Mr. Burnley to Earl Russell.—(Received January 2, 1865.)

My Lord,

Washington, December 16, 1864.

I HAVE the honour to inclose copy of a note of the 14th instant which I have received from Mr. Seward, inclosing copy of an instruction addressed under the President's direction to Mr. Adams, United States' Minister in London, on receipt of telegraphic intelligence that the men who attacked St. Albans in the State of Vermont, had been discharged from the custody of the Canadian authorities.

I have forwarded copies to his Excellency the Governor-General of Canada.

I have, &c.

(Signed) J. HUME BURNLEY

Inclosure 1 in No. 33.

Mr. Seward to Mr. Burnley.

Sir,

Washington, December 14, 1864.

I HAVE the honour to communicate herewith, for your information, a copy of an instruction of this date which I have under the President's direction addressed to Charles Francis Adams, Esq., the Minister of the United States at London, upon the receipt of telegraphic dispatches from the agents of the United States in Montreal, announcing to me the facts that Samuel Eugene Lackey and others, whose extradition was requested in my note to Lord Lyons of the 21st of November last, upon the charges of murder, robbery, and assault with intent to commit murder within the jurisdiction of the United States, have been discharged from custody, that the money and other property stolen by them has been returned to them, and that they are now at large.

I have, &c.

(Signed) W. H. SEWARD.

Inclosure 2 in No. 33.

Mr. Seward to Mr. Adams.

Sir,

Washington, December 14, 1864.

I HAVE just received information by telegraph from Montreal, that the felons who proceeded from Canada into Vermont, and committed the crimes of robbery, burglary and

murder, at St. Albans in that State, and who were arrested in Canada upon a requisition of this Government, under the Xth Article of the Treaty of the 9th August, 1842, have been set at liberty, that the stolen money which was found upon them has been restored to them, and that they are now at large near the border of the United States, in the province aforementioned.

This grave circumstance renders it my duty under the direction of the President to ask whether Her Majesty's Government has taken, or proposes to take, any measures to prevent a renewal of the invasions of the territory and sovereignty of the United States from the border provinces. If such measures have been taken, or are to be taken, this Government desires to know their character, so far as it may be consistent with the interests of Great Britain to communicate the same.

I am, &c.
(Signed) W. H. SEWARD.

No. 34.

Mr. Burnley to Earl Russell.—(Received January 2, 1865.)

(Extract.)

Washington, December 16, 1864.

I HAVE the honour to inclose copies of a note of the 12th instant, and its inclosures, which I have received from Mr. Seward, and brought to the knowledge of his Excellency the Governor-General of Canada, relative to some supposed danger of invasion of the United States from Canada.

It has been my duty lately to communicate so often with his Excellency on kindred subjects bearing upon the relations between Canada and the United States, that I am apprehensive if these sources of trouble, all more or less of course fomented and fostered by Southern Agents with the aim of embroiling the two countries, are allowed to exist, that we may expect to see some day some rash move on the part of this people.

Inclosure 1 in No. 34.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, December 12, 1864.

I GIVE you, for the information of the Governor-General of Canada, a copy of a communication which has just been received from Major-General Dix, showing the existence of imminent danger of invasion of the United States from Canada. I trust that it will receive his Lordship's immediate and effective attention.

I have, &c.
(Signed) W. H. SEWARD.

Inclosure 2 in No. 34.

Mr. Dana to Mr. Seward, December 12, 1864.

[See No. 29.]

Inclosure 3 in No. 34.

Major-General Dix to Mr. Stanton, December 10, 1864.

[See Inclosure in No. 29.]

Viscount Monck to Mr. Cardwell.—(Received January 2, 1865.)

Sir,

Government House, Quebec, December 15, 1864.

I HAVE already informed you in the despatches noted in the margin of attacks on the territory of the United States by persons who, after the perpetration of these outrages, have sought refuge in Canada.

Doubts have been raised whether such persons come within the provisions of the Extradition Treaty.

Under these circumstances it has occurred to me that it would be advisable that I should be armed with some further statutory powers to enable me to restrain persons who seek an asylum in Canada from the commission of acts calculated to compromise the neutrality of Her Majesty's dominions.

I venture to call your attention to the Act (Imperial) 11 & 12, cap. 20, as one the provisions of which might be adapted to the exigencies of the present time in Canada, and also to an Act of the Congress of the United States, stat. 11, cap. 31 (1838), on the subject of vessels fitted out on the lakes for hostile purposes.

Should you authorize me to propose Bills similar in their provision to these Acts, or modifications of them, I entertain no doubt that they would be passed by the Provincial Legislature.

I have, &c.
(Signed) MONCK.

No. 36.

Viscount Monck to Mr. Cardwell.—(Received January 2, 1865.)

Sir,

Quebec, December 15, 1864.

REFERRING to my despatches noted in the margin, I have the honour to report that the prisoners who had been arrested for having taken part in the late attack on St. Albans, in the State of Vermont, and to whom a month's time to procure evidence had been allowed, were discharged at Montreal on Tuesday last, the 13th instant, by the Police Magistrate, Mr. Coursol, on the ground that he had no jurisdiction to hear the case.

I inclose a number of the "Montreal Gazette," containing the Judgment of Mr. Coursol on the question.

It appears that by the Imperial Statute, passed to give effect to the Treaty of Extradition with the United States, 6 & 7 Vict., cap. 76, it is enacted in the 5th section that "if by any law or ordinance to be hereafter made by the legislature of any British colony or possession abroad, provision shall be made for carrying into complete effect within such colony or possession, the objects of this present Act, by the substitution of some other enactment in lieu thereof, then it shall be competent to Her Majesty, with the advice of her Privy Council (if to Her Majesty in Council it should seem meet, but not otherwise) to suspend the operation within any such colony or possession, of this present Act, so long as such substituted enactment shall continue in force there, and no longer."

The Provincial Act to give effect to the Treaty, Consolidated Statutes of Canada, cap. 89, was passed on the 30th May, 1849, and by an Order of the Queen in Council, dated the 8th January, 1850, the operation of the Imperial Act in Canada was suspended in favour of the substituted Provincial Statute.

In 1861 an Act was passed in the Canadian Parliament (24 Vict., cap. 6) repealing certain clauses of the first Provincial Act, and substituting other provisions in their stead.

This amending Act, by an Order of the Queen in Council dated October 11, 1861, was left to its operation.

The argument of the Counsel for the prisoners which was adopted by Mr. Coursol was, that the repeal of the portion of the substituted Provincial Act by the amending Statute of 1861 annulled the suspension of the Imperial Act, and that that Law not having been duly suspended in favour of the amending Act, the proceedings should have been taken under the provisions of the Imperial Act.

I have been advised that the decision of Mr. Coursol is not well founded in law, and fresh warrants have been issued for the apprehension of the discharged prisoners; but I have thought it right also to issue my warrants under the Imperial Statute, so that if

Mr. Coursol's decision shall be upheld, proceedings may in that event be taken under the Imperial Act.

I venture to suggest that the opinion of the Law Officers in England should be taken as to the propriety of passing an Order in Council suspending the Imperial Act in favour of the combined provisions of the two Canadian Statutes, and so putting the question to rest at all events, in reference to future cases.

I have, &c.
(Signed) MONCK.

Inclosure in No. 36.

Extract from the Montreal "Gazette" of December 14, 1864.

No. 37.

Viscount Monck to Mr. Cardwell.—(Received January 2, 1865.)

Sir, *Government House, Quebec, December 17, 1864.*
I HAVE the honour to transmit for your information, copies of two approved Minutes of the Executive Council of Canada, showing the steps which have been adopted in order to prevent the formation in this province of plans hostile to the Government of the United States, or calculated to compromise the neutrality of Her Majesty's territories.

I may add that a stipendiary magistrate and a considerable preventive police force have been for some time past on duty in that part of the country which forms the frontier between the United States and Lower Canada.

I have, &c.
(Signed) MONCK.

Inclosure 1 in No. 37.

Report of a Committee of the Executive Council, approved by the Governor-General in Council on the 16th December, 1864.

THE Committee have had under consideration a memorandum, dated the 16th December instant, from the Honourable the Attorney-General, Upper Canada, acting on behalf of the Honourable the Minister of Militia, in his absence, stating that he feels it his duty to call your Excellency's attention to the necessity which exists for the immediate organization of a militia force to be stationed on the frontier in aid of the civil power.

That the late piratical destruction of two American steamers on Lake Erie, by parties some of whom were alleged to have gone from Canada, the marauding incursion into St. Albans, in the State of Vermont, plundering and robbing its peaceful inhabitants, and the ascertained fact that arms and munitions of war have been prepared at Guelph, evidently for the purpose of being used in similar aggressions against the United States, all show that prompt and vigorous measures are called for.

Fears, he states, are entertained by the inhabitants on both sides of the boundary line that illegal combinations are now being organized for a continuation of such aggressions, and the peace, prosperity, and sense of security along the border have thereby been much disturbed, and ill feeling engendered between the people of the two countries.

That he has too much reason to believe that those fears are well-grounded, and that a continuation of such outrages may be expected.

That the combination of bodies of men in Canada, ready with arms to cross the frontier line of Canada, will, if carried into effect, amount to insurrection.

That he, therefore, in the belief that there is immediate danger of such insurrection, submits for the consideration of your Excellency that it will be necessary, with a view to the preservation of peace on the border and to the prevention of such combinations, and the suppression of any such insurrectionary movements, when attempted, to call out for actual service a part of the Canadian Volunteer Militia force.

He further recommends that the number of men to be called out shall not be less

than 1,500, say 30 companies, and that such companies may be organized in such manner as your Excellency may think fit, to be marched to any part of the province where their services may be required.

He further states that the force so called out will thenceforth be subject to the Queen's Regulations, the rules and articles of war, and the Mutiny Act, and all other laws then applicable to Her Majesty's troops in this Province, not inconsistent with the Act respecting the Volunteer Militia force.

Under such regulations or Imperial laws certain arrangements are made as to pay and the lodgings and rations of troops, in respect to which he, the Attorney-General, has the honour to suggest that the following be substituted:—

1. That the daily pay of each officer shall be according to the rate allowed to his rank in Her Majesty's service; but that an officer holding brevet rank shall only receive the pay of his regimental rank; and that any field-officer shall only receive the pay of his rank when acting in that capacity.

2. That the daily pay of each non-commissioned officer and man shall be as follows:—

									Cents.
Pay sergeant	..	..	..	..	..	..	..	..	80
Sergeant	..	..	..	..	..	..	..	..	70
Corporal ..	..	..	..	..	..	..	..	..	60
Private ..	..	..	..	..	..	..	..	..	50

That such pay shall be in full, and inclusive of any daily pay to which officers and men might otherwise be entitled under the Queen's Regulations or any Imperial Statutes.

3. That, in lieu of rations and any allowances for lodging, forage, fuel, light, or other expenses or allowances to which officers or men might otherwise be entitled under the Queen's Regulations or Imperial Statutes, the following sums be paid as a daily allowance for each officer and man as follows:—

									\$	c.
Lieutenant-Colonel (when acting as a field officer)	..	..	..	..	..	..	..	..	1	0
Captain	..	..	..	..	..	..	..	..	0	76
Lieutenant	..	..	..	..	..	..	..	..	0	72
Ensign	..	..	..	..	..	..	..	..	0	69
Colour Sergeant	..	..	..	..	..	..	..	..	0	55
Sergeant	..	..	..	..	..	..	..	..	0	55
Corporal	..	..	..	..	..	..	..	..	0	50
Privates	..	..	..	..	..	..	..	..	0	50

4. That the aggregate amount payable to each company under the above scales of pay and allowances shall be made monthly, in advance, to each captain commanding a company, under such regulations as to the payment of officers and men, and the providing of board and lodging for the men, not exceeding the allowances specified therefor, and the necessary acquittance rolls for such payments respectively, as may be prescribed by your Excellency.

That such necessary regulations for transport of the force shall be carried into effect as shall be prescribed by your Excellency.

The Committee concur in the Report of the Attorney-General, except as to the allowances, and they recommend that sums not exceeding those suggested by him may be expended for such allowances; but that, if practicable and consistent with efficiency, they should be arranged at a lower scale.

Certified:

(Signed)

WM. H. LEE, C.E.C.

Inclosure 2 in No. 37.

Report of a Committee of the Executive Council, approved by the Governor-General in Council on the 16th December, 1864.

ON a Memorandum dated 16th December instant, from the Honourable the Attorney-General for Upper Canada, reporting that the late piratical destruction of two American steamers on Lake Erie by parties some of whom were alleged to have come from Canada, and the fears that are entertained by the inhabitants on both sides of the boundary line between Canada and the United States of America, that illegal combinations are now being organized for the purpose of invasion or depredation, require that additional steps should be taken for the enforcement of the law and the preservation of the public peace.

That such additional steps are required also for the purpose of putting an end to the

nefarious practice of kidnapping, or carrying away by violence Her Majesty's subjects from Canada, with the view to force them to enlist in the American armies, as well as for the purpose of arresting such parties as are engaged in enticing soldiers of Her Majesty's regular service to desert.

That with this view he, the Attorney-General, recommends that a stipendiary Magistrate be appointed holding a commission for the counties of Simcoe, Halton, Wentworth, Lincoln, Welland, Haldimand, Norfolk, Brant, Wellington, Grey, Waterloo, Oxford, Elgin, Middlesex, Perth, Kent, Essex and Lambton, and for the united counties of York and Peel, and of Huron and Bruce, and that he be employed in his magisterial capacity along the line of frontier in those localities, and generally to attend to such matters connected with those duties as may from time to time be prescribed by the Government or the Law Officers of the Crown.

He further recommends that such Stipendiary Magistrate be paid at the rate of six dollars per day and his travelling expenses, and that the same be charged to the administration of Criminal Justice.

He further recommends that the Stipendiary Magistrate be authorized under instructions from him, the Attorney-General, and subject to the approval of your Excellency, to form an efficient police force—preventive and detective—to act under his instructions, and at such a rate of pay as may be hereafter approved of by your Excellency in Council.

The Committee advise that the above recommendations of the Honourable the Attorney-General be approved and acted on.

Certified :
(Signed) WM. H. LEE, C.E.C.

No. 38.

Mr. Burnley to Earl Russell.—(Received January 3, 1865.)

(Extract.)

Washington, December 19, 1864.

MY despatch of the 15th instant informed your Lordship that the somewhat hasty order of General Dix, instructing military officers on the frontier to cross the boundary line between the United States and Canada, had been disapproved of.

I have now much pleasure in forwarding to your Lordship the official revocation of this order, published in yesterday morning's papers.

As I was aware of Viscount Monck's anxiety on this point, I telegraphed to him immediately.

With a view of assisting in making matters smooth and calming down the great irritation which exists in the public mind at the present moment, I agreed at an interview Mr. Seward, to telegraph to the Governors of Nova Scotia and New Brunswick and Prince Edward's Island, that they should be upon their guard and not let the men escape through their provinces.

Inclosure in No. 38.

Extract from "Morning Chronicle" of December 18, 1864.

General Orders, No. 100.

*Head Quarters, Department of the East, New York City,
December 17, 1864.*

THE President of the United States having disapproved of that portion of Department General Order, No. 97, current series, which instructs all military commanders on the frontier, in certain cases therein specified, to cross the boundary line between the United States and Canada, and directs pursuit into neutral territory, the said instruction is hereby revoked.

In case, therefore, of any future marauding expeditions into our territory from Canada, military commanders of the frontier will report to these head-quarters for orders, before crossing the boundary line in pursuit of the guilty parties.

By command of Major-General Dix.

(Signed) D. T. VAN BUREN.
Colonel and Assistant Adjutant-General.

Official :

CHARLES O. JOLINE, *Major and Aide-de-Camp.*

No. 39.

Earl Russell to Mr. Burnley.

(Extract.)

Foreign Office, January 4, 1865.

HER Majesty's Government approve your proceedings with regard to the recent raid on St. Albans, as reported in your despatch of the 19th ultimo.

No. 40.

Viscount Monck to Mr. Burnley.—(Received at Colonial Office, January 5, 1865.)

Sir,

Government House, Quebec, December 20, 1864.

I HAVE the honour to acknowledge the receipt of your despatch and inclosures of December 14, relative to the apprehended attempts of persons hostile to the United States from Canada.

In reply, I have the honour to inform you that I have taken measures for the prevention of such acts by the establishment of a detective Police Force, under special Stipendiary Magistrates, along the border between Canada and the territory of the United States.

I have also called out for permanent duty a strong force of the Volunteer Militia, who are to be stationed on the frontier line.

I trust that these measures will be effectual in preventing any such attempts as those alluded to in your despatch.

I shall feel obliged if you will communicate the substance of this despatch verbally to the Secretary of State of the United States.

I have, &c.
(Signed) MONCK.

No. 41.

Mr. Burnley to Earl Russell.—(Received January 7, 1865.)

(Extract.)

Washington, December 23, 1864.

SINCE my despatches of the 15th and 19th instants were forwarded to your Lordship, I have been in constant telegraphic correspondence with the Governor-General of Canada.

Your Lordship will be gratified to learn that Viscount Monck, by his energetic endeavours in organizing an efficient detective force along the border, has succeeded in arresting one of the raiders, and hopes the others will soon follow.

During the whole of this troublous period, I have deemed it best to be unreserved in my communications with Mr. Seward, as any apparent dilatoriness in letting him know what was going on would only have tended to make matters worse, and I think that what I have done has been appreciated by him.

P.S.—Since the foregoing was written, Viscount Monck informs me of the re-arrest of five of the St. Albans' raiders, including Young, the leader.

No. 42.

Mr. Burnley to Earl Russell.—(Received January 7, 1865.)

My Lord,

Washington, December 23, 1864.

I HAVE the honor to transmit to your Lordship herewith copies of a resolution which has been introduced into the Senate by Mr. Chandler, to the effect that the Committee on Military Affairs should be directed to inquire into the expediency of immediately enlisting an army corps to watch and defend the United States' territory bordering on the lakes and Canadian line from all hostile demonstrations and incursions.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure in No. 43.

Resolution.

MR. CHANDLER submitted the following Resolution :—

“Whereas raids have been organized in the Canadas and Nova Scotia, and men enlisted in said British provinces by men purporting to hold commissions from the rebels of the United States, for the purpose of robbing and murdering peaceable citizens of the United States, of burning cities and villages, of piratically capturing merchant-vessels and murdering their crews, and for a general system of murder, arson, robberies, and plunder of the peaceable and unarmed citizens of the United States ;

“And whereas the people of the British provinces seem disposed to protect these thieves, robbers, incendiaries, pirates, and murderers, not only in their individual capacities, but by the quibbles of the law : Therefore,

“Resolved—That the Committee on Military Affairs be directed to inquire into the expediency of immediately enlisting an army corps to watch and defend our territory bordering on the lakes and Canadian line from all hostile demonstrations and incursions.”

No. 43.

Mr. Burnley to Earl Russell.—(Received January 7, 1865.)

My Lord,

Washington, December 23, 1864.

I HAVE the honour to inclose copies of an instruction, with its inclosures, addressed by Mr. Seward to the United States' Minister in London, relative to certain intercepted correspondence of insurgents residing in Canada.

Copies of this correspondence have been communicated by me to Viscount Monck.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 43.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, December 19, 1864.

I HAVE the honour to communicate, for your information, a copy of an instruction of this Department of the 6th instant, and of its inclosures, addressed to Mr. Adams, United States' Minister at London, on the subject of certain intercepted correspondence of insurgents residing in Canada.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 43.

Mr. Seward to Mr. Adams.

Sir,

Department of State, Washington, December 6, 1864.

YOU will receive herewith a copy of intercepted correspondence, which will be found to support the protests you have been instructed to offer to Her Majesty's Government against the use of the British provinces on our border as a base for aggressive robbery and murder. The original papers are in my hands. We know that they are genuine. You will use them as shall seem expedient. They are preceded by extracts from a report of Major-General Augur, by whom the bearer of the illicit correspondence was arrested. That report describes the intercepted correspondence.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 3 in No. 43.

*Major-General Augur to Mr. Stanton.**Head-Quarters, Department of Washington, 22nd Army Corps,
Washington, D.C., November 12, 1864.*

* * * * *

IN conjunction with Colonel Welles, I have examined the papers found upon his person, and herewith transmit them for the consideration of the War Department. They are as follows, viz., two envelopes and inclosures. The first of these envelopes has no address written upon it, but bears upon its reverse a seal in red wax, impressed apparently by an ordinary signet ring. Though the wax has been somewhat broken, the letters "C. C. C. Jr." on the main portions thereof can be made out. This envelope contains two inclosures. The first is a letter upon a single sheet of white note paper, of a very thin description, like the envelope which contains it. This letter is dated "St. Catherine's, Canada West," and is addressed to "My dear Ginie." It is also marked "No. 20" at its head, but has no signature. At the bottom, on the fourth page, is a sort of postscript marked "H. L. C.," and urging that an immediate answer should be sent. There is also posted at the head of the note a "Personal" cut from some newspaper, addressed to "Mrs. Caroline V. Tracy," and signed "F. E. Lacy." The second inclosure in this envelope is a letter written upon one and a-half sheets of thin blue letter paper; also dated at "St. Catherine's, Canada West," November 1st, addressed to the "Honble. J. P. Benjamin, Secretary of State, Richmond, Va." It relates to the recent attack upon St. Albans, Vermont, and also to one Captain Cole, a rebel officer captured on the United States' steamer "Michigan," and appeals to the Confederate Government to recognise and acknowledge the acts of these parties. This first envelope, and its two inclosures, I have marked letter "A."

The second envelope is also of thin white paper, but bears neither seal nor address. It contains three inclosures, first a thin piece of blank blue paper, covering two letters. The first of these letters is dated "October 31, 1864," without the name of the place at which it was written. It is addressed at the top "My own dearest," and is signed "Your devoted husband," but without the name of the writer.

This letter, as well as its companions in the same envelope, is written upon thin blue letter paper, precisely like that contained in the envelope marked "A." The other letter in this envelope bears neither date nor address at the top, but is headed "Extract from the proposition of — sent forward." It relates to the proposition of a party in the United States to furnish provisions for the rebel army on the Mississippi River, and at places within General Butler's Department. The second envelope and its inclosures I have marked "B."

I have, &c.
(Signed) C. C. AUGUR.

Inclosure 4 in No. 43.

"H. L. C." to "My dear Ginie."

Printed Advertisement pasted on.

[Mrs. Caroline N. Tracey, care of Major Corner, Macon, Ga. Don't sail or join me unless Lawson says I must stay. I hope to return in November. I have written weekly; none from you since June 30. Have seen Jennie. F. E. LACY.—"Richmond Enquirer and Macon Telegraph." Please copy.]

My dear Ginie, *St. Catherine's, Canada West, November 1, 1864.*

I AM disappointed, mortified, distressed, and almost distracted this morning, at receiving not one line from you or any kin or friend in Dixie. It is 8 o'clock A.M. I arose one hour ago, dressed, and ran to the P.O. for letters, as our mail from Halifax was due. I returned with three for Rev. — Tucker, for his wife, of 13th, 20th and 30th ultimo, one from his daughter, and two from friends: six letters from home. And thus it has been ever since I reached here. He gets his regular monthly mail, with three or more letters from his wife, and as many from others. I have received one letter from Lawson and two from you since I reached Canada—the last dated June 30th. These are all I have gotten in Canada, and six letters from you since leaving you, six months ago, are all ever received. Now, am I not encouraged to write to you, and to write often, by tender

appeal or monitions for intelligence of me? Am I not well repaid for writing regularly every week or ten days to you, determined to take every chance of communicating with you? The only thing I have heard from you, save through others, since yours of June 30th, which reached me 15th of September, was your personal of September 20th, which reached me at Quebec, whither I had gone on business, on October 13th. I immediately inclosed to Jennie my answer to it, and 10 dollars to pay for yours and mine. It did not, however, appear in the news till October 29th; I know not why. It was there addressed to Caroline Tracey. I inclose it, but I hope you will get it and understand. I have also since sent a personal to Colonel H. L. Clay, which I hope he and you will see, inquiring "Can I return at once? If not, let my wife come to me by flag of truce boat, via Washington city, if she can; not otherwise." I was surprised and distressed by your personal. As I told you, the President did not expect me to stay longer than the early part of this month, and you knew it would require quite a month under favourable circumstances to get to me. I could not understand why you should come to me to go back immediately. I inferred either that you had learnt that I was to stay here all the winter, or that you did not hear from me, or that some fresh affliction had come upon you, that made you feel like flying to me for comfort. Oh, what anxiety and suspense I have endured; money cannot compensate for it. If I could only have had a personal every two weeks of about two words only—all well, I should have been quite cheerful. As it is, in utter ignorance of those I love best, whether living or dead, sick or well, in comfort or in want, contented or miserable, I cannot but feel disquieted, anxious and rather unhappy. God grant you and all my dear kin life and health, comfort and content, until we meet again, is my daily and nightly prayer.

I sent you, immediately after getting your letter, by Ben. Young, all the articles you wrote, and several more for yourself, dear Lestia, and Matt. They reached Halifax; were sent by the "Ellen," which got into the port of Wilmington, and I therefore trust have been long since delivered to you by the Express Company, by whom they were to be carried thence. I also sent a magnificent fan, a present for G. W. Sanders, and two very superior pairs of winter shoes, some six or eight weeks since. I again sent you about two weeks ago a package of flannels, balmorals, dresses, stockings, gloves, collars, cuffs, &c.; among them the best black silk I could find here. Accompanying each I have written you at length. The last was the most valuable of the packages sent. I hope you may get them all and enjoy them very much. Some of these last articles were for dear Lestia, as you will see if they ever reach you. Now I shall send this by an underground railroad, addressed to Lawson, who will open, read and forward to you forthwith. I hope too, if you are in Ga., he will telegraph you on receipt of letter that he has it, that I am well, and that he has forwarded it by express, for I mistrust the mails. My health continues very good, notwithstanding my anxiety and distress, and I certainly look better than for many years. I intend, if I am not instructed to remain, to leave here for Halifax by the 20th instant at farthest, and to try my best to get to you as soon thereafter as possible. But Wilmington is so closely blockaded now that it is very hard to get in, and I may be captured in trying to do so; and if Forts Fisher and Caswell are taken, or if the enemy get over the bar with their war vessels, I may have to go to Galveston, Texas, or even to Mexico and across the Rio Grande, which may require some months before you can hear from me. I think I shall try Wilmington if any blockade-runner ventures in after I get to Halifax. If it is desired that I stay here through the winter, you must try to get a safe-conduct and come to me by flag of truce through the United States. I cannot endure the thought of staying here till spring without you. I trust I shall get an answer to my last personal to Lawson, saying "you can return," or "you must stay," so as to settle my purposes. Jake says he means to stay till March, but I won't unless desired by the President. Something may turn up to change my views. I trust Lawson will answer this by the bearer, sealing it as this is, so as to show if it is tampered with. I write on this thin paper and put in as thin an envelope and seal with a friend's seal. Let Lawson say what seal he puts on the answer, and urge the secretaries to give the bearer their answers as soon as possible. L.'s answer need not be signed by him, and may be addressed to J. Bevins Giles, St. C's., C. W. Now I am sure you have written to me twice a month. Try now personals and letters one page long by flag of truce to Mrs. R. E. Coxe (wife of our friends), Poughkeepsie, N. Y., and sign your name distinctly Caroline N. Lacy, so that Mrs. Coxe may know who you are. With love to you and to my kin and servants, and God's blessing to you all, I am as ever yours with more love and reverence than should be given to any earthly creature. Farewell—I hope not a long farewell, my precious darling Ginie.

—H. L. C.

Hand the within immediately as directed, and try and send answer of L. within twenty-four hours of delivery.

Inclosure 5 in No. 43.

Letter addressed to Mr. Benjamin, November 1, 1864.

[See No. 27.]

Inclosure 6 in No. 43.

October 31, 1864.

THE party taking this leaves here to-night. If he reaches you safely, he will deliver most important communications from Mr. C. and myself. I must ask you and May to copy mine in large handwriting, that it may be easily and intelligently read. B. will show it to you. If either or both the plans are acceded to, I must remain here during the winter, and therefore I must beg you and Annie to join, if you can come through the North; if not, do not attempt the blockade—it is too perilous, and I should be wretched to think you were coming that way. If these plans, which I have laboured to perfect as I never laboured before in all my life, are not adopted, then I can see no further object in my remaining here, and you need not join me, but I will you as soon as possible. I do not, however, anticipate a refusal by the Department to acquiesce, for all our friends here whom I have consulted consider the plans most eligible and fortunate for this Government; indeed, this will be, in a short time at least, the only course we have left open. If all is well, therefore, I shall expect you to leave as soon as you conveniently can, after you have been informed of the favourable entertainment of the enterprises.

I received all your letters written at Afton, in September, down to your letter of 30th September—the day you returned to Richmond—this morning, and what a glorious comforting treat they were to me! Tell Ned his usual scratch note came, which I managed to read better than usual, and that I will send his letter to Miss K. promptly. Tell him she paid me a visit, talking much with me, and leaving me a shawl for him, which I will send or bring him when I can. She seems to be very devoted to him. I sent him a letter from her *via* Halifax or Wilmington.

How thankful I am, my own love, that our kind Father in heaven has preserved our dear boys through so many dangers; and you, my own precious darling M., little A., and dear E. in health and Christian patience, through so many trials and privations. Oh, may He give me a grateful and humble heart, for all his wonderful mercies to me, unworthy sinful creature that I am! May's letter, by flag of truce of 7th October, is the latest intelligence from you. I shall send a personal directed to letter A. to-morrow, which you may get before this. Do stir A. to attend to my business promptly and energetically, and with life and spirit. I would do as much and a thousand times more for him, were it in my power. I sympathise truly with poor old Tom and his family. Give him my love. How blessed are we in the dispositions and habits of our boys! I hope you have received before this the shirts, hats, cloth, the shoes sent you from Toronto, the cavalry boots and uniform for Tim, and \$50 in American gold, sent you by the Hon. T. P. H., whom I see got safely in, although the steamer was lost and Mrs. Greenhows and other lives.

I have tried to communicate with my dear sister, and send her a little gold, but have been wholly unsuccessful in both. May her Father, to whom she is so faithful, have her and her dear ones, to the third generation, in his holy keeping! I am grieved to hear our noble brave boy is so destitute of clothes, but hope, ere this, his wants have been supplied. I am surprised that the President has not even replied to your application for a cadetship for him. Don't give it up. General Curen Lee might help you. My thumb is entirely well, but I have given it a great turn this morning, having been writing five or six hours without resting. I shall await anxiously replies to these, particularly as reunion with my darling depends upon it. May God bless you all!

Your devoted husband.

Inclosure 7 in No. 43.

Extract from the Proposition of ——— sent forward.

HE previously showing me to my entire satisfaction that the parties whom he represents, and is connected with, are powerful and influential with the Government of the United States. He says, Through the influence of the parties referred to, I have arranged to get at least one-half supplies (meat), the other half greenbacks, for all the cotton your (our) Government may feel disposed to part with, the first 5,000 or 10,000 parcels of pork or bacon to be landed at any port Mr. Secretary Seddon may designate on the east

side of the Mississippi, or as much more on the west side, if General Kirby Smith, or any other Confederate commander, needs them. After this delivery the way is perfectly clear to deliver anywhere with General Butler's Department. It must of course be obvious to you (me) that a concession so great was made only with the understanding that it should be kept with the most sacred secrecy, and although it presents upon its face a general rule for the sake of protecting the Executive (Mr. Lincoln), to whom alone we are indebted, the main intention is that it should be carried out by my (his) own friends, and such others as only will be useful to us. In order, then, that we may have the fullest benefit from the arrangement, I would suggest that what may be done shall be done in the name of a single individual or his agents, so far as the delivery of the supplies and the receipt of the cotton are concerned: touching the disposition of the portion paid in funds this can be received and disposed of as you (the Department) may determine, either in the United States or in Europe, or in the Canadas, by instant conversion into sterling. To show how thoroughly the enterprise has been arranged, there are now 10,000 lbs. of pork purchased and ready for shipment the moment the details are perfected, &c.

It was then proposed to get me a pass to go through the lines, but in this I fear they have failed, and that the alternative course has been adopted, to wit, sending the proposal by the hand of Mr. D. Preston Parr or Mr. Inlors. With respect to the plan I would urge through you upon the Department, first, that the only objectionable in it consists in receiving greenbacks for one half of the cotton instead of provisions for the whole, for the reason that it is the policy of the Government (ours) not to trade in the currency of the enemy, or countenance such trade by the people. The wisdom of the regulation in the abstract is clear. Indiscriminate barter in this money would, of course, be seductive and dangerous; but this objection does not obtain with the same force in operations of Government. And if it did, the evil is weakened, if not wholly removed by the fact that these funds need not, would not, enter into the circulation within our own country, but could be paid over to agents designated by our Government, either in the United States, Canada, or Europe, and at once converted into sterling. Thus, then, possession and immediate conversion would place foreign funds at any point desired, either for purchases, payment of interest, &c. &c. Again, the programme submitted commends itself to favourable consideration in that it is indorsed by the highest official in the United States' Government. Certainly if execution and expedition are thus secured, our abilities and facilities for producing this kind of provisions are daily becoming more circumscribed and precarious, by the presence of large armies and their destructive raids in the rural districts. We are left, then, mainly to rely upon what may be introduced through the blockade; and we may be said now to have only one port where the success of blockade-running is at all commensurate with, or superior to, the risk incurred. This port is Wilmington, and we have it from the most indubitable source that herculean efforts will presently be made to capture Wilmington, or failing this to be, to seal far more vigorously her port. Where, then, are we to look for these indispensable supplies, if not through the cupidity and avarice of our enemies? To gratify these is as hateful to me, I trust, as to any compatriot in my land; but starvation, or even scanty or uncertain rations to our patient, enduring, and gallant army, is a more fearful and abhorrent alternative. Under these circumstances, I think it behoves us to embrace the opportunity offered to supply ourselves with the great necessity. I believe it is not [*sic*] the only, the surest, and most expeditious mode of accomplishing the object upon sufficient and certain scale.

The provision question, in this terrible struggle for our national existence, is one of not [*sic*] the greatest we have had to solve; and if my mission shall result in the inauguration of a plan for the certain subsistence of our noble armies, I shall be as thankful to God as if I had achieved a successful military campaign. Should it, on the other hand, be attended with failure (albeit no fault of mine if these plans are not accepted), I shall never feel happy I had not remained to share the discomforts, dangers, and trials of the humblest soldier in our ranks. Independent and aside from this, I have made a contract with a party by which supplies of meat will be furnished at Mobile by written permission of the President of the United States, to the free passage of the blockading fleet at that port. The first steamer has already sailed, but she only carries 300 barrels of pork, the rest assorted cargo; but I am assured by the party "that if there is no delay or difficulty at Mobile the steamers' trips will be hereafter from New Orleans, where cargoes of meat provided from St. Louis will go rapidly in, and receive cotton upon the terms of my order, pound of cotton for a pound of meat." He then proceeds to say, "If this arrangement fails, it will (be) because of difficulties on the other side." Meaning with us. My contract with this party is for the delivery of 5,000,000 lbs., and this is in accordance with the order. But there are other important considerations in this plan. The President authorising the breaking of the blockade. What complications may not be produced by this with foreign

Governments? I gave the party a letter to the military, naval, and civil authorities, requesting "safe ingress and egress for any ship or steamer, or vessels of any character with cargoes under the provisions of my contract." Under these circumstances, and Judge O. desiring to send a special messenger home, I have united with him in sending at much expense a young man, whom we believe to be sound and trustworthy. His engagement is to go directly through, deliver these and other papers, and return to us with replies. Accordingly I sent him at once to you, believing that public and personal considerations will impel you to lay them before the Secretary with great promptness, reading them to him yourself, suggesting that he advise the authorities at Mobile without delay of such an arrangement, that this aid and cooperation will be given to such deliveries, &c., &c. You will know by a reference to boyhood's days at the conclusion of this, that it is genuine, and that the party who bears it is "all right." Any replies you have to send let them be written on as thin paper as possible, and sealed with your large seal, that I may be equally secure that the communications are genuine and have not been tampered with. God bless you and yours, and all ours, and deliver us and our bleeding country from the hands of our enemies!

October 3, 1864.

I have seen with my own eyes old Abe's written permission to pass the blockading squadron at Mobile with vessels to take supplies (meat) and bring out cotton.

No. 44.

Mr. Cardwell to Viscount Monck.

Downing Street, January 7, 1865.

My Lord,

MY despatch of the 3rd of December and others will have already told you by anticipation that Her Majesty's Government are prepared generally to approve the proposals contained in your despatch of the 15th of December.

Her Majesty's Government consider it most expedient that you should be armed, with as little delay as possible, with such extraordinary powers as may enable you to deal promptly and effectually with the difficulties incident to the present emergency, and that this should be done by the Provincial Legislature.

It further appears to them that these powers should embrace two objects, viz., the sending of suspected aliens out of the Province, and the seizure of suspected vessels on the British Lakes, and munitions of war of every kind, in which category ought to be included chemical materials adapted to and prepared for the burning of property.

For the first object, they agree with you that the 11 Vict., cap. 20, contains provisions which you can easily adapt to the exigencies of the present emergency; and for the latter object, they think that the Act of Congress referred to by you as well as that of March 10, 1838—passed for the purpose of strengthening the hands of the United States' Government during the Canadian rebellion, to prevent the invasion of Canada by subjects of the United States—would furnish a very proper precedent and model.

They also think it especially desirable that the operation of the proposed Canadian statute should be limited either to a short period of two or three years (as the United States' statute was) or to the duration of the present civil war in America.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 45.

Viscount Monck to Mr. Cardwell.—(Received January 9, 1865.)

Quebec, December 24, 1864.

Sir,

I HAVE the honour to transmit, for your information, a page of the "Royal Gazette," containing a Militia General Order, which I have thought it right to issue in calling out for service on the frontier a portion of the Volunteer Militia of the Province.

I have, &c.

(Signed) MONCK.

Inclosure in No. 45.

Extract from "Canada Gazette" of December 24, 1864.

VOLUNTEER MILITIA.

*General Order.**Head-Quarters, Quebec, December 23, 1864.*

1. REFERRING to the General Order of December 19, his Excellency the Commander-in-chief is pleased to call out for actual service the following companies of the Volunteer Force.

2. These Companies will be formed into three Administrative Battalions, which shall be composed respectively of the following Companies and such others as may be added to each Battalion by any further General Order.

Western Battalion.

No. 1. Company from 3rd Battalion Volunteer Militia Rifles, Montreal, Captain J. Bacon.

No. 2. Company, York Rifles, Captain Davis.

No. 3. Company, Brockville Rifles, Major Crawford.

No. 4. Company, from 8th Battalion Volunteer Militia Rifles, Quebec, Captain Alleyn.

No. 5. Company, Brantford Rifles, Captain Grant.

No. 6. Company, Belleville Rifles, Major Levesconte.

Centre Battalion.

No. 1. Company, from 2nd Battalion Volunteer Militia Rifles Toronto, Lieutenant John Brown.

No. 2. Company, from ditto, Captain Charles F. Gilmor.

No. 3. Company, from 14th Battalion Volunteer Militia Rifles, Kingston, Major Kelly.

No. 4. Company, Collingwood Rifles, Lieutenant-Colonel Stephen.

Eastern Battalion.

No. 1. Company, Woodstock Rifles, Major Richardson.

No. 2. Company, Beachville Rifles, Captain Greig.

No. 3. Company, from 8th Battalion Volunteer Militia Rifles, Quebec, Lieutenant A. Jackson.

No. 4. Company, from 9th Battalion Volunteer Militia Rifles, Quebec, Captain Gingras.

No. 5. Company, 1st Cornwall Rifles, Captain Bergen.

First (or Western) Administrative Battalion.

To be Lieutenant-Colonel:—Lieutenant-Colonel Osborne Smith, Commanding Victoria Rifles, Montreal.

To be Major:—Major Augustus Heward, Major Victoria Rifles, Montreal.

To be Adjutant:—Lieutenant William H. Hutton, of Victoria Rifles, Montreal.

Second (or Centre) Administrative Battalion.

To be Lieutenant-Colonel:—Lieutenant-Colonel William Smith Durie, Commanding 2nd Battalion or "Queen's Own" Rifles, Toronto.

Third (or Eastern) Administrative Battalion.

To be Lieutenant-Colonel:—Lieutenant-Colonel John B. Taylor, Commanding Battalion Oxford Rifles.

To be Captain:—Lieutenant A. Jackson, Adjutant 8th Battalion Volunteer Militia Rifles, Quebec.

6. In calling out for actual service this portion of the Volunteer Force, the Commander-in-chief desires to express the gratification he has experienced at the numerous offers of service he has received from Volunteer Companies all through the province, as soon as it became known that men were required for permanent duty.

7. The Commander-in-chief desires to impress upon the officers, non-commissioned officers and men of the force called out for duty, that they are embodied not for the purpose of warfare, but with the object of aiding the civil power in its efforts to prevent aggression on the territories of a friendly State, on the part of persons enjoying the right of asylum in Her Majesty's dominions, and to maintain, as regards Canada, that complete neutrality with respect to the war now existing in the United States which Her Majesty has enjoined on all her subjects.

8. With these objects in view, it will be the duty of all officers commanding detachments on the frontier to take special care that the territorial rights of the Government of the United States shall be carefully respected, and that no infringement by the men under their command shall under any circumstances take place of such regulations for the security of their borders as may be made from time to time by that Government.

9. It will be the duty of officers, should suspicious circumstances be brought under their observation, immediately to report any such to the Civil authorities, and to place themselves under their guidance.

By command of his Excellency the Right Honourable the Governor-General and Commander-in-chief.

(Signed) A. DE SALABERRY, *Lieutenant-Colonel, Deputy-Adjutant-General of Militia, Lower Canada.*
WALKER POWELL, *Lieutenant-Colonel, Deputy-Adjutant-General of Militia, Upper Canada.*

Head-Quarters, Quebec, December 19, 1864.

VOLUNTEER MILITIA.

General Orders.

(No. 1.)

His Excellency the Commander-in-chief is pleased to state that he has given orders to call out for actual service, under the provisions of "The Volunteer Militia Act," a part of the Volunteer Militia of this province, and that the same will consist of thirty companies of rifles or infantry to be hereafter named.

(No. 2.)

His Excellency desires that all officers commanding battalions, and officers commanding companies (not in battalion) will forthwith increase the strength of their several companies of rifles or infantry to sixty-five non-commissioned officers and men, and will hold themselves in readiness for immediate actual service, when his Excellency may see fit to call out the same or any part thereof.

(No. 3.)

His Excellency has been pleased to disband Captain Herring's Company of the 9th Battalion Volunteer Militia Rifles or "Voltigeurs de Québec."

By command of his Excellency the Right Honourable the Governor-General and Commander-in-chief.

(Signed) A. DE SALABERRY, *Lieutenant-Colonel, Deputy-Adjutant-General of Militia, Lower Canada.*
WALKER POWELL, *Lieutenant-Colonel, Deputy-Adjutant-General of Militia, Upper Canada.*

No. 46.

Viscount Monck to Mr. Cardwell.—(Received January 9, 1865.)

Sir,

Quebec, December 24, 1864.

I HAVE the honour to inform you that five out of the thirteen persons concerned in the late attack on St. Albans, in the State of Vermont, of whose discharge I apprised you in my despatch of the 15th December, have been re-arrested under warrants issued for their apprehension by a Judge of one of the Superior Courts.

They are now in custody at Montreal awaiting examination.

I have, &c.
(Signed) MONCK.

No. 47.

Viscount Monck to Mr. Cardwell.—(Received January 9, 1865.)

Sir, Quebec, December 24, 1864.
 I HAVE the honour to acknowledge the receipt of your despatch of the 3rd instant, respecting the necessity for further statutory powers to enable me to meet the case of persons who make the soil of Canada the scene of their hostile preparations against the territory of the United States.

I have already, in my despatch of the 15th instant, brought before you my opinion, which is shared by my Law Officers, on this question, and stated the nature of the powers with which I think it advisable I should be armed under existing circumstances.

My object in writing on this subject was to obtain authority from you to propose legislation of this sort immediately on the meeting of Parliament.

I consider that your despatch gives me the required sanction, and it is the intention of my Government, as soon as Parliament shall have met, to propose to it the enactment of laws for the summary removal of suspected foreigners, and for the summary detention of suspected ships.

I have a strong conviction that the existence of these legal powers, combined with some additional means of enforcing the laws of neutrality on the Western Lakes, will render the exercise of them unnecessary, except in very rare instances.

I have, &c.
 (Signed) MONCK.

No. 48.

Viscount Monck to Mr. Cardwell.—(Received January 9, 1865.)

Sir, Quebec, December 30, 1864.
 IN my despatch of the 7th instant I transmitted to you copies of a note and of its inclosures that I had received from Lord Lyons relative to an alleged military organization in Prince Edward's County, Canada West, of fugitives from the United States.

I have now the honour to acquaint you that the result of the strict inquiry that I directed to be made on the subject is that no traces of such an organization can be discovered, and of this I have informed Mr. Burnley.

I have, &c.
 (Signed) MONCK.

No. 49.

Earl Russell to Mr. Burnley.

Sir, Foreign Office, January 10, 1865.
 HER Majesty's Government approve your proceedings relative to the questions arising out of the St. Alban's raid, as stated in your despatch of the 23rd of December.

I am, &c.
 (Signed) RUSSELL.

No. 50.

Mr. Cardwell to Viscount Monck.

My Lord, Downing Street, January 11, 1865.
 I LEARN with satisfaction from your Lordship's despatch of the 24th of December, that five of the persons concerned in the recent attack on St. Albans, Vermont, have been re-arrested, and are in custody at Montreal awaiting examination.

I have, &c.
 (Signed) EDWARD CARDWELL.

No. 51.

*Viscount Monck to Mr. Cardwell.—(Received January 12, 1865.)**Quebec, December 31, 1864.*

Sir,
I HAVE the honour to inclose for your information copies of despatches and other documents noted in the margin relative to apprehended attacks from Canada on the Michigan frontier.

I have, &c.
(Signed) MONCK.

Inclosure 1 in No. 51.

*Mr. Burnley to Viscount Monck.**Washington, December 5, 1864.*

My Lord,
THE Secretary of State of the United States has requested me to transmit to your Excellency the accompanying copy of a Memorial addressed to him by W. A. Howard, Esq., on behalf of the people of Michigan living on the frontier adjacent to the British possessions, in relation to their exposed condition, in consequence of the danger of hostile proceedings by evil-disposed persons collected on the Canada side.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure 2 in No. 51.

Memorial.

The Honourable Secretary of State.

THE Undersigned on behalf of the people of Michigan living on the frontier, respectfully represent that the border from Lake Erie to Lake Huron, a distance of eighty miles, is much exposed to raids from evil-disposed persons collected on the Canada side. From Lake Erie to Lake St. Clair, a distance of thirty miles, is only a river; and from Algonac at the mouth of the St. Clair river to Lake Huron, some twenty-five or thirty miles over border, is separated only by St. Clair river. A large volunteer police force may measurably protect Detroit and the Detroit river below the city; but Port Huron and the villages of Algonac and St. Clair, and indeed the border on the whole length of the St. Clair river is greatly exposed. It is respectfully asked that the Government take such measures as will effectually prevent robbers and raiders from visiting the border along the St. Clair river.

Washington, December 2, 1864.

(Signed) WILLIAM A. HOWARD.

Inclosure 3 in No. 51.

*Viscount Monck to Mr. Burnley.**Quebec, December 12, 1864.*

Sir,
I HAVE the honour to acknowledge the receipt of your despatch of the 5th instant, transmitting to me at the request of the Secretary of State of the United States the Memorial of W. A. Howard, Esq., on the part of the people of Michigan living on the frontier adjacent to the British possessions, in relation to their apprehension of danger from hostile proceedings by evil-disposed persons collected on the Canadian side.

I have to request you will assure the Secretary of State of the United States that the subject referred to has engaged and will continue to engage the anxious attention of the Canadian Government, with a view to prevent any violation of the neutrality of Her Majesty's dominions,

I have, &c.
(Signed) MONCK.

Inclosure 4 in No. 51.

Mr. Burnley to Viscount Monck.

My Lord,

Washington, December 24, 1864.

WITH reference to the correspondence which has taken place between your Excellency and this Legation relative to a Memorial of W. A. Howard, Esq., on the part of the inhabitants of Michigan in regard to their apprehension of danger from rebel emissaries in Canada, I have the honour to transmit to your Excellency a copy of despatch which I have received from the Secretary of State of the United States stating that your Excellency's proceedings in the matter are highly appreciated by the United States' Government.

I have, &c.

(Signed)

J. HUME BURNLEY.

Inclosure 5 in No. 51.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, December 22, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 18th instant, which is accompanied by a copy of a despatch from his Excellency the Governor-General of Canada, relative to a Memorial of W. A. Howard, Esq., on the part of the inhabitants of Michigan in regard to their apprehension of danger from rebel emissaries in Canada. The proceedings of Lord Monck therein mentioned are highly appreciated by this Government.

I have, &c.

(Signed)

WILLIAM H. SEWARD.

No. 52.

Mr. Cardwell to Viscount Monck.

My Lord,

Downing Street, January 14, 1865.

WITH reference to the recent judgment of Mr. Coursol, communicated to me in your despatch of the 15th of December, in the case of the so-called St. Albans raiders, I have the honour to inform you that Her Majesty will be advised to issue an Order in Council to remove doubts respecting the suspension in Canada of the operation of the Imperial Act 6 & 7 Vict., cap. 76, entitled "An Act for giving effect to a Treaty between Her Majesty and the United States of America for the apprehension of certain offenders."

I have, &c.

(Signed)

EDWARD CARDWELL.

No. 53.

Mr. Cardwell to Viscount Monck.

My Lord,

Downing Street, January 14, 1865.

WITH reference to my despatch of the 24th ultimo, I have to acquaint you that Her Majesty's Government are desirous to receive any information which you may be able to communicate as to the truth of the allegations made by the prisoners lately in confinement at Montreal, upon the charge of having been concerned in the St. Albans raid.

Her Majesty's Government understand them to have stated that the expedition to St. Albans was not organised in Canada; that the orders and instructions to make the attempt were received by Mr. Young, a commissioned officer in the service of the so-styled Confederate States, in August 1864, at Chicago, in the United States. I should be glad to be informed whether this statement is confirmed, whether they appear to have entered Canada before going to St. Albans, and to receive all the information with which it is in your power to supply me as to their proceedings.

I have, &c.

(Signed)

EDWARD CARDWELL.

Mr. Burnley to Earl Russell.—(Received January 17.)

Washington, January 2, 1865.

My Lord,

I HAVE the honour to forward to your Lordship copies of a note of a confidential nature, and of its inclosures, which I have received from Mr. Seward, relative to the proceedings of Jacob Thomson, an insurgent enemy of the United States in Canada, and to those of one Holcombe, in organizing, aiding, and abetting hostile expeditions against the United States.

I have, at the same time, communicated copies of the note and inclosures to his Excellency the Governor-General of Canada.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure in No. 54.

Mr. Seward to Mr. Burnley.

Department of State, Washington, December 30, 1864.

Sir,

I HAVE the honour to inclose, for the information of Her Majesty's Government, a copy of depositions which were communicated to me on the 22nd instant, relative to the proceedings of Jacob Thomson, an insurgent enemy of the United States, in Canada, and to those of one Holcombe, and others, in organizing, aiding, and abetting hostile expeditions against the United States. I will thank you to communicate the information to his Excellency Viscount Monck, but I must request you to cause the names of the deponents to be regarded as confidential.

I have, &c.

(Signed) WILLIAM H. SEWARD.

No. 55.

Viscount Monck to Mr. Cardwell.—(Received January 17, 1865.)

Sir,

Government House, Quebec, December 29, 1864.

REFERRING to my despatches of the 17th, 20th, and 24th instant, I have the honour to report that in pursuance of the General Order of the 19th December the thirty companies of volunteers called out for duty have been embodied in three administrative battalions of ten companies each, the head-quarters of which are stationed respectively at Windsor, Niagara, and La Prairie.

The companies are all sixty-five strong, exclusive of officers.

You will perceive by the copies of the several General Orders, that the companies have been so selected as to give all parts of the province an opportunity of contributing to the force embodied.

I have also so arranged that the volunteers from Eastern Canada should, as much as possible, be stationed in Canada West, and *vice versa*.

These modes of proceeding caused some slight delay in getting the force to its destination, but I think it is not a little creditable to the Volunteers and to those who conducted the arrangements that the first intimation the force received that their services would be required was by the General Order of December 19th, and that the three battalions are now at their respective stations; some of the companies of which they are composed having had to travel a distance of nearly 700 miles in order to reach their destinations.

If it had not been that I wished to allow the men to spend the Christmas-day with their families, the operation would have been performed in even a shorter time.

I have not heard of a single case of misconduct amongst the men in the course of their journey, and I am informed that everything was conducted with as much order and regularity as could have been expected had the battalions been composed of regular troops.

I have had offers of service from numerous corps all over the province, and I should have no difficulty were it desirable in raising a large force.

I have the honour to transmit a copy of the "Gazette," containing a General Order

completing the embodiment of the force, and also one placing it under the military command of the Lieutenant-General Commanding in British North America.

I have, &c.
(Signed) MONCK.

Inclosure in No. 55.

Extract from the "Canada Gazette" of December 31, 1864.

VOLUNTEER MILITIA.

General Order.

Head-Quarters, December 30, 1864.

1. WITH reference to the General Order of the 23rd instant, his Excellency the Commander-in-chief is pleased to call out for actual service the following Companies of the Volunteer Force.

2. These Companies will be added to the three Administrative Battalions named in the said General Order, as follows, viz. :—

First (or Western) Administrative Battalion.

One Company from 1st or "Prince of Wales" Battalion Volunteer Militia Rifles, Montreal, Captain Frank Bond.

One Company from 20th Battalion Volunteer Militia Infantry, St. Catharines, Captain W. Hamilton.

One Company from 5th Battalion (Royal) Light Infantry, Montreal, Captain Walter Scott.

The Dunnville Rifle Company, Major Amsden.

The head-quarters of this Battalion will be at Windsor until further orders.

The Captain commanding the Company from Victoria Volunteer Rifles, Montreal, gazetted to this Battalion by the General Order of the 23rd instant, should have been "Captain W. T. McGrath," and not "Captain J. Bacon," as therein stated.

Second (or Central) Administrative Battalion.

The Simcoe Rifle Company, Captain Tisdale.

The Barrie Rifle Company, Captain M'Kenzie.

The Whitby Rifle Company, Major Wallace.

The Scarborough Rifle Company, Captain Norris.

The Lacolle Infantry Company, Captain Force.

The Hemmingford Infantry Company, Captain M'Naughton.

To be Major :—Lieutenant-Colonel Alex. R. Stephen, from Collingwood Rifle Company.

To be Adjutant, with rank of Lieutenant :—Ensign Fred. E. Dixon, from Queen's Own Rifles, Toronto.

To be Paymaster :—Maxwell William Strange, Esquire. (Lieutenant-Colonel Sedentary Militia unattached), with the honorary rank of Captain in the Volunteer Militia Force.

To be Captains :—Lieutenant John Brown, vice Macdonald, resigned; Lieutenant George Moberly, from Collingwood Rifle Company.

The head-quarters of this Battalion will be at Niagara until further orders.

Third (or Eastern) Administrative Battalion.

One Company from Montreal Light Infantry, Captain James W. Taylor.

One Company from "Chasseurs Canadiens," Montreal, Captain Ludger Labelle.

One Company from "Hochelaga Light Infantry," Montreal, Captain Robert Wall.

The Megantic Rifle Company, Major Barwis.

One Company from Richelieu Light Infantry, St. Johns, Captain René Horace Porlier.

To be Major :—Major Hugh Richardson, of the Oxford Rifles.

To be Adjutant, with the rank of Ensign :—Alexander Becher, Gentleman.

To be Lieutenant :—A. G. Irvine, Gentleman.

To be Ensign :—Ensign William Cross.

The head-quarters of this Battalion will be at Laprairie until further orders.

3. His Excellency the Governor-General and Commander-in-chief is pleased to place the first, second and third Administrative Battalions of Volunteers now on actual service, under the command of his Excellency Lieutenant-General Sir W. F. Williams, Baronet, K.C.B., commanding Her Majesty's Forces in British North America.

4. Officers commanding the several Battalions will therefore receive their orders from the Lieutenant-General commanding, and will report direct to such officers as the Lieutenant-General shall appoint.

5. All requisitions and returns of the Paymasters of the several Battalions will be made directly to the Adjutant-General of Militia.

By command of his Excellency the Right Honourable the Governor-General and Commander-in-chief,

(Signed) A. DE SALABERRY, *Lieutenant-Colonel, Deputy Adjutant-General of Militia, Lower Canada.*
WALKER POWELL, *Lieutenant-Colonel, Deputy Adjutant-General of Militia, Upper Canada.*

No. 56.

Viscount Monck to Mr. Cardwell.—(Received January 17, 1865.)

Sir,

Government House, Quebec, December 31, 1864.

REFERRING to my despatch of December 20, I have the honour to transmit for your information copies of a despatch and of its inclosure which I have this day received from Her Majesty's Chargé d'Affaires.

I have, &c.
(Signed) MONCK.

Inclosure 1 in No. 56.

Mr. Burnley to Viscount Monck.

My Lord,

Washington, December 26, 1864.

I HAVE to acknowledge the receipt of your Excellency's despatch of the 20th instant, informing me of the measures which your Excellency had taken to prevent apprehended attempts of persons hostile to the United States from Canada.

On receipt of your Excellency's despatch, I saw Mr. Seward and communicated to him verbally the information thus conveyed, and at his request sent him afterwards a Memorandum on the subject, copy of which I have the honour to inclose.

Mr. Seward begged me to thank your Excellency, and to state how highly he appreciated the efforts made to induce a good understanding between the two Governments.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure 2 in No. 56.

Memorandum.

RELATIVE to the apprehended attempt of persons hostile to the United States from Canada, Viscount Monck informs me that he has taken measures for the prevention of such acts by the establishment of a detective police force under special stipendiary magistrates along the border between Canada and the territory of the United States.

Viscount Monck has also called out for permanent duty a strong force of the Volunteer Militia, who are to be stationed on the frontier line.

These measures Viscount Monck hopes will effectually prevent any such attempts as those alluded to.

British Legation, Washington, December 26, 1864.

No. 57.

Mr. Burnley to Earl Russell.—(Received January 17.)

My Lord,

Washington, January 2, 1865.

WITH reference to my despatches of the 13th and 16th of December last, on the subject of an alleged military organization in Canada of fugitives from the United States, I have the honour to forward to your Lordship a copy of a despatch from Viscount Monck, together with a copy of a letter from the Attorney-General of Canada, stating that upon the strictest inquiry no traces of such an organization could be discovered.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 57.

Viscount Monck to Mr. Burnley.

Sir,

Government House, Quebec, December 26, 1864.

WITH reference to your despatch of 30th November, on the subject of an alleged military organization in Canada of fugitives from the United States, I have the honour to transmit to you, for the information of the Government of the United States, a copy of a letter from Mr. Attorney-General Macdonald, in which he states the steps that were taken for investigating the matter. You will observe that upon the strictest inquiry no traces of such an organization could be discovered.

I have, &c.

(Signed) MONCK.

Inclosure 2 in No. 57.

Mr. Macdonald to Mr. Godley.

*Department of Attorney-General for Upper Canada,
December 24, 1864.*

Sir,

WITH reference to your letter of the 6th instant, transmitting a copy of a despatch from Lord Lyons, with its inclosures, and of the reply of his Excellency the Governor-General, relative to the alleged organization and drilling in the county of Prince Edward, of fugitives from the United States, I have the honour to inform you, for the information of his Excellency the Governor-General, that immediately on receipt of your letter, a telegraphic despatch was transmitted by me to the County Crown Attorney of the county of Prince Edward, desiring his immediate attention to the matter.

I have further to state that that officer immediately proceeded to make inquiries into the allegations made, and that he has since reported that though such inquiries were made in different quarters, he can discover no traces of any such organization, and that he feels confident that the Prince Edward is free from any such illegal combinations, and that others with whom he has communicated on the subject concur in that opinion.

I have, &c.

(Signed) JOHN A. MACDONALD.

No. 58.

*Mr. Cardwell to Mr. Gordon.**

Sir,

Downing Street, January 21, 1865.

ADVERTING to the recent events which have occurred on the Canadian frontier, I deem it advisable to place you in possession of a correspondence between myself and Lord Monck, relative to the additional legal powers with which Her Majesty's Government consider it advisable that he should be armed to enable him to deal effectually and promptly with any acts tending to compromise Her Majesty's neutrality.

* A similar despatch was addressed to the Lieutenant-Governor of Nova Scotia.

Her Majesty's Government are very desirous that the duties attaching to a neutral Power should be punctually performed throughout Her Majesty's dominions; and they wish you to bring under the notice of your advisers the measures proposed in Canada, in order that you may consider with them the propriety of proposing similar measures for New Brunswick.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 59.

Mr. Cardwell to Viscount Monck.

My Lord, *Downing Street, January 23, 1865.*
I HAVE the honour to acknowledge your despatches of the 20th, 24th and 29th ultimo, acquainting me with the various steps which you are taking with the advice of your Council in order to secure the observance of a strict neutrality on the frontier of the United States and Canada.

Her Majesty's Government entirely approve of all the measures which you have reported to me; and I have particular pleasure in noticing the excellent spirit and orderly conduct of the Canadian Volunteers. I hope you will take some fitting opportunity of informing them that the promptitude with which they have answered your appeal is appreciated by Her Majesty's Government.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 60.

Mr. Burnley to Earl Russell.—(Received January 31.)

My Lord, *Washington, January 16, 1865.*
I HAVE the honour to inclose copies of correspondence between Mr. Seward, the Lieutenant-Governor of New Brunswick, and myself, relative to the action of the Provincial Legislature in cases of extradition as bearing upon a recent requisition of Mr. Seward for the surrender of the St. Albans raiders should they be found within the limits of that province.

The same course has been followed with New Brunswick as is usually followed with the Canadian provinces, but their mode of proceeding would appear to be different.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 60.

Mr. Seward to Mr. Burnley.

Sir, *Department of State, Washington, December 19, 1864.*
CREDIBLE information having been received at this Department that some of the parties recently improperly discharged from custody at Montreal where they were held under arrest upon the charges of murder, robbery, and assault with intent to commit murder, at St. Albans, Vermont, are now fugitives from the justice of the United States in the Province of New Brunswick, I have the honour to request through you, Sir, that upon the apprehension and commitment of the said fugitives, or any of them, within the Province of New Brunswick, or elsewhere within the jurisdiction of Her Britannic Majesty's Government, the Lieutenant-Governor of that province will, in virtue of the provisions of the Xth Article of the Treaty of Washington, be pleased to issue the necessary warrant for their delivery to any person duly authorized to receive them and bring them back to the United States for trial.

The names of these fugitives are as follows:—Samuel Eugene Lackey, Squire Turner Teavis, Charles More Swager, George Scott, Bennett H. Young, Caleb McDowall Wallace, James Alexander Doty, Joseph Mc Grorty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, Alexander Pope Bruce, and William H. Hutchinson.

I have the honour to refer you to the papers which accompanied my note of the 21st ultimo in regard to these criminals, and to be, &c.

(Signed) W. H. SEWARD.

Inclosure 2 in No. 60.

Mr. Burnley to Lieutenant-Governor Gordon.

Sir,

Washington, December 20, 1864.

I HAVE the honour to transmit to your Excellency a copy of a note which I have received from the Secretary of the United States with reference to certain of the St. Albans raiders who are supposed to be in the Province of New Brunswick.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure 3 in No. 60.

Lieutenant-Governor Gordon to Mr. Burnley.

(Extract.)

Fredericton, December 29, 1864.

I HAVE had the honour this morning to receive your despatch of the 20th instant, inclosing a copy of a note from the Secretary of State of the United States, requesting the extradition of certain parties therein named.

Requisitions under the provisions of the Ashburton Treaty for the surrender of criminals who have taken refuge in this province have hitherto been invariably made directly to the Lieutenant-Governor of the province through the United States' Consul at St. John, or the Governor of the State in which the offence was committed, and with a view to securing the object desired, I should venture to recommend that the precedents in this respect should be adhered to, as it is far from impossible that the note of the Secretary of State might be considered in our Courts of Law as not a formal requisition under the Treaty. I do not myself share this opinion, and should be ready to issue my warrant on the notification received from you; but, in such cases, it is well to take no steps by which, if taken, the subsequent proceedings may incur a risk of being vitiated.

I must, however, point out the entire inutility of my issuing my warrant, or of attempting to arrest the parties (if in New Brunswick) until I have been placed in possession of evidence to adduce against them. At the present moment any magistrate before whom they might be brought must inevitably order their discharge. He would call on whatever Counsel may be entrusted with the prosecution of the case for evidence such as would be required to enable him to commit for trial, had the offence been committed within his own jurisdiction. But none such could be offered, as except the statement in the copy of Mr. Seward's note, not even any *prima facie* evidence is adduced as to the connection of the parties named with the offence committed, and they would necessarily be at once set at liberty.

It is provided that copies of the depositions originally taken may, in such cases, be received as evidence, and if I learn that such documents have been forwarded, or are on the point of being forwarded, I will at once take whatever steps are in my power for bringing the alleged criminals to justice.

I may remark, however, that I have received no information which leads me to believe that the parties named are in this province, but I have to request that you will inform Mr. Seward that I have given stringent directions to the police to ascertain whether such is the case, and in the event of the discovery of any of these individuals, to maintain a careful watch upon them, until I am in a position to proceed against them with more probability of effecting their extradition than is now the case.

Inclosure 4 in No. 60.

Mr. Burnley to Mr. Seward.

Sir,

Washington, January 7, 1865.

WITH reference to your note of 16th ultimo, which you did me the honour to address to me respecting the extradition of the St. Albans raiders with a view to its being

communicated to his Excellency the Lieutenant-Governor of New Brunswick, I would beg leave to lay before you copy of a despatch which I have received in reply from his Excellency as to the necessity of some more convincing evidence being brought forward than what your simple note of requisition contained before the parties can be fairly brought to trial, should they be within the Lieutenant-Governor's jurisdiction, which appears not to be the case at present.

In view of the re-arrest of most, if not all of the raiders, I would leave it to you to decide whether it is necessary to act upon the suggestions of his Excellency, and avail myself, &c.

(Signed) J. HUME BURNLEY.

Inclosure 5 in No. 60.

Mr. Seward to Mr. Burnley.

Department of State, Washington, January 12, 1865.

Sir,

I HAVE the honour to acknowledge the receipt of your note of the 7th instant, together with a copy of a despatch from the Lieutenant-Governor of New Brunswick, in reply to my communication of the 16th ultimo to you respecting the extradition of the St. Albans raiders, a copy of which you were pleased to submit to his Excellency. In reply, I have the honour to state that the requisition under the Treaty for fugitives from the United States in the British Provinces is always in the form of a note from this Department to Her Majesty's Legation.

The object and effect of this are merely a notice to the Executive Authorities of the Provinces, that when the fugitives claimed shall have been judicially prosecuted under either the Act of the Imperial Parliament or under any Provincial Act for carrying the Treaty into effect, and the proper magistrate shall certify to the Executive Authority that there is sufficient cause for the surrender of the fugitive, the surrender may be made accordingly. Nothing more has been expected in the cases of the St. Albans raiders, who are supposed to be skulking in the Province of New Brunswick.

It is the duty of this Government to apply to the proper authorities there for their arrest and examination, and to furnish proof that they are subject to extradition according to the Treaty.

I have, &c.
(Signed) W. H. SEWARD.

Inclosure 6 in No. 60.

Mr. Burnley to Lieutenant-Governor Gordon.

Washington, January 14, 1865.

Sir,

ON receipt of your despatch of the 29th ultimo relative to the extradition question of the St. Albans raiders, I put myself in communication with the Secretary of State of the United States and communicated to him a copy of your above-mentioned despatch.

I have the honour now to inclose a copy of his answer.

I have, &c.
(Signed) J. HUME BURNLEY.

No. 61.

Mr. Burnley to Earl Russell — (Received January 31.)

My Lord,

Washington, January 16, 1865.

WITH reference to your Lordship's despatch of the 17th December, inclosing copies of instructions which had been addressed to the Governor-General of Canada by Her Majesty's Secretary of State for the Colonial Department, on the subject of the recent attack on St. Albans, Vermont, I have the honour to inclose copy of a note which I communicated to Mr. Seward, in obedience to the instructions contained in the above-mentioned despatch.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure in No. 61.

Mr. Burnley to Mr. Seward.

Sir,

Washington, January 3, 1865.

HER Majesty's Government have taken into their most serious consideration the various occurrences which have taken place in connection with the recent attack on St. Albans, Vermont; and I am now commanded to communicate to you the general tenor of the instructions addressed to the Governor-General of Canada by Her Majesty's Secretary of State for the Colonial Department, as laid down in a despatch forwarded to his Excellency on the 3rd ultimo, and which I do myself the honour of inclosing.

With regard to the depositions taken in the case of the late attack, and referred to the Law Officers of the Crown, Viscount Monck has been instructed, under date of the 9th and 16th ultimo, to be guided by the decision of the proper legal authorities in Canada, whether the persons in custody ought or ought not to be delivered up under the Treaty of Extradition. If that decision shall have been that they ought, Her Majesty's Government would entirely approve of Viscount Monck's acting upon this decision. But, if on the contrary, the decision shall have been that they ought not, Her Majesty's Government consider that the opinion of Viscount Monck's legal advisers should be taken, whether, upon the evidence and other information in the possession of the Canadian Government, these persons may not properly be put upon their trial on a charge of misprision and violation of the Royal prerogative, by levying war from Her Majesty's dominions against a friendly Power.

Unless the Canadian Law Officers should see reason to the contrary, Her Majesty's Government direct that Viscount Monck should, in the case supposed, retain the prisoners in custody, and bring them to trial for that offence. Her Majesty's Government further consider that such a decision of the Legal Authorities of Canada would furnish a strong argument for the expediency of arming the Canadian Government as promptly as possible, with such additional legal powers as are referred to in the despatch of the 3rd ultimo.

Throughout the whole of these unfortunate occurrences Viscount Monck's conduct has been entirely approved of, and Her Majesty's Government rely with confidence on his having used and continuing to use all the powers at his disposal to prevent the successful execution of whatever schemes may be planned against the neighbouring friendly soil of the United States.

I am, &c.

(Signed)

J. HUME BURNLEY.

APPENDIX (A).

Correspondence respecting the Capture of the United States' ship "Roanoke."

No. 1.

Lieutenant-Governor Hamley to Mr. Cardwell. (Received November 22, 1864.)

(Extract.)

Bermuda, October 28, 1864.

ABOUT the 6th instant, rumours were in circulation of an American ship of war, then said to belong to the United States, hovering about our coasts. On that day the Consul for the United States of America informed me that the ship said to be in the offing belonged to the Confederate States, that there was an intention to coal and man her by stealth from Bermuda, and that an enlistment for a warlike purpose had taken place in these islands.

This information was unsupported by such testimony as would have warranted the interference of the Executive Government, and was moreover vague and obscure. So many rumours, however, of clandestine proceedings seemed at any rate to call for vigilance, and I accordingly notified to the Police Magistrate and Revenue Officer at St. George's that I had reason to suspect that a breach of the Foreign Enlistment Act had taken place, or was intended. I desired the former officer to enjoin on the police the utmost vigilance to prevent a breach of the law, and the latter to take measures for preventing any steamer from leaving St. George's Harbour on the night between the 6th and 7th, without being searched. I also warned a military party to be in readiness to support the Civil power if necessary.

I continued in correspondence with the United States' Consul, and with the Police Magistrate and Revenue Officer, up to the 8th instant, but received no evidence sufficient to justify the application of the power of the law.

At midnight between the 8th and 9th instant I was informed by express of the brigantine "Mathilde" having returned to the port of St. George's, forcibly laden with the crew, passengers, baggage, &c., of the United States' mail-steamer "Roanoke," which had been captured at sea by persons who had gone on board her as passengers, but who afterwards turned out to be in the service of the Confederate States. The story as it first reached me was unsupported by legal proof, but early on the morning of the 9th, the United States' Consul arrived at Government House bearing a protest made before a notary by the Chief Mate and the Purser of the United States' steamer "Roanoke," against the seizure of that ship by one Brain and others on the high seas.

While the Consul was with me, I was informed by telegram that the "Roanoke" had been set on fire, and that her officers and crew had landed.

Immediately after dismissing the United States' Consul, I consulted the Attorney-General. I then decided to go forthwith to St. George's, accompanied by that officer.

While on my way thither, I was informed by express that certain persons who had landed from the burning ship had been taken into custody by the police on suspicion, and in obedience to my general instructions of the 6th instant; also that a quantity of cigars had been seized.

About midday of the 9th I arrived at St. George's, accompanied by the Attorney-General. This brings the account down to the term at which the Attorney-General's Report takes it up.

It remains to be told in connection with the proceedings that on the 12th instant the United States' Consul addressed to me a letter complaining that he had, on the 10th

instant, made a request to the police magistrate that the persons implicated in the above affair should be arrested, and dealt with in accordance with the 10th Section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America; and that he has inclosed an affidavit setting forth his belief in a charge of piracy against them, but that he was not aware that any action had been taken in the matter, and that the parties were still at large. In reply I informed the Consul that having referred his letter and also an explanatory one from the police magistrate to the Attorney-General, I was advised that the course pursued by him was not such as would warrant me in taking a proceeding under the Treaty referred to. I also informed him of the investigation which had taken place, the effect of which had been to show that even if he had in every respect complied with the requisites to an effectual application, and if I had, after the recent decision in England on a similar question, felt justified in issuing my warrant to the magistrates, the result must have been, after perhaps a more protracted inquiry, the liberation of the persons charged by him with piracy.

Another fact of which you should be made aware is, that before I proceeded with the Attorney-General to St. George's on the 9th instant, as above-stated, I wrote to the senior naval officer requesting him if possible to send a steamer of war to St. George's. I did this under the impression that it might be desirable to prevent the escape of persons implicated in an illegal transaction, or whose evidence would be essential. No steamer came thither until evening, but in the evening Her Majesty's steamer "Steady" came into Bermuda, and on her arrival at the dockyard was immediately sent back to St. George's and remained in Murray's Anchorage all night. No detention of any ship or person took place. She did not proceed to her destination (Halifax) until the senior naval officer had ascertained from me that I no longer saw reason to detain her.

Considering that the capture of the "Roanoke" may form the subject of communication from the American Secretary of State to Lord Lyons, I have thought it right to furnish his Lordship with a correct account of the transaction, and with copies of some correspondence which passed between the Consul for the United States of America and myself.

Inclosure in No. 1.

The Attorney General, Bermuda, to Lieutenant-Governor Hamley.

(Extract.)

Hamilton, Bermuda, October 24, 1864.

I HAVE the honour to report to your Excellency the proceedings connected with the case of the "Roanoke" from the time when it came officially into my hands.

On Sunday the 9th instant your Excellency judged it expedient to go to St. George's, in order that you might obtain prompt and accurate information on the spot about a case not only involving many novel and complicated questions, but assuming every hour some new feature of difficulty, and at your Excellency's suggestion I accompanied you.

On arriving we found that the police had in custody twenty-two men, thirteen of whom had been arrested during the preceding night on landing from the "Roanoke," then in the offing, and nine others on Sunday morning as they were coming on shore from the same vessel, which was then seen to be on fire.

It became necessary to determine at once what was to be done with the prisoners, and not being prepared at the moment to take the important step of advising their immediate release, I requested Mr. Hyland, the Police Magistrate and Justice of the Peace, to detain them on a charge of piracy until a hearing could take place.

The next day, Monday, I again went to St. George's, and the prisoners were brought before Mr. Hyland and another Justice of the Peace, and though they made at once an objection to the jurisdiction through their Counsel, relying on their public character as commissioned officers of the Confederate States, the case was proceeded with so far as to obtain an outline of the capture from the chief officer and purser of the "Roanoke," and of the arrest of the prisoners from the chief police constable.

The circumstances appeared to be as follows:—

The United States mail steamer "Roanoke," with a crew of fifty men, all told, about thirty-five passengers, mails and a small cargo, left the Havana for New York at 5 p.m. on the 29th September, 1864. She had been out five hours and was about twelve miles from the coast of Cuba when, it being the chief officer's watch on deck, two or three passengers quitted a group near the pilot-house, went up to the chief officer and presented revolvers, demanded his surrender to the Confederate States, and threatened to shoot him if he resisted.

He surrendered, was put in irons and conveyed into the saloon, and in about fifteen or twenty minutes all the other ship's officers having in a similar manner been surprised in their berths, were brought handcuffed into the saloon.

No resistance was offered, and no attempt was made to recapture the vessel.

The ship's officers were paroled, and their irons were removed every day and replaced every night on all except the captain and purser.

The original crew continued under persuasion or compulsion to work the vessel under Mr. Brain, the leader of the capturing party.

Brain himself, Mr. Little, and Mr. Parr, were the chief captors, and they had gone on board as passengers while the "Roanoke" was under weigh in the harbour at the Havana, only one of them, Mr. Brain, being furnished with the ticket required from passengers by the regulations to obtain which a passport is necessary.

They were received on board by the purser, to whom Brain handed his ticket, and who deposed that Brain had been a schoolfellow of his some eighteen years ago in Brooklyn, that from that time until he came on board he had never seen Brain, and that he recognized his features on seeing him again.

The only person on board the "Roanoke" who showed any disposition to resist seems to have been the carpenter, and he was shot down and thrown overboard.

Immediately after the capture Mr. Brain made for Bermuda with his prize, and arrived off the Islands on the afternoon of the 4th instant, took a pilot, and after dark that evening came to anchor in Five-Fathom Hole.

Brain then went ashore to St. George's, but returning to the "Roanoke" before daylight, got under weigh, and proceeding to sea hove-to out of sight from the land all that day.

At daylight on Thursday the "Roanoke" again ran out to sea, and she hovered round the islands all that day, but stood in towards the land at night. She then fell in with a brig called the "Village Girl," from which she received provisions and about twenty or thirty men, who had been engaged at St. George's a day or two previously for service on board a Confederate vessel. The thirteen men first arrested by the police were of this party.

During the next day, Friday the 7th, the "Roanoke" hovered round these islands in company with the "Village Girl," and endeavoured to take coal on board by means of the steamer's boats. She received ten or fifteen tons.

At night she again ran in towards land, and by a preconcerted signal fell in with the Danish brigantine "Mathilda," Pieper master, which had just left St. George's, ostensibly for Halifax, and to her were transferred the passengers, officers, and crew of the "Roanoke," with their baggage.

The "Mathilda" came to anchor in Five-Fathom Hole, and sent these people ashore, and then proceeded to Halifax, having on board, it is supposed, the specie captured in the "Roanoke," amounting to some 20,000 dollars.

The agent or consignee of this vessel, the "Mathilda," who also was the charterer for the voyage to Halifax, was the Mr. Johnson above-mentioned as being one of the persons who visited the "Roanoke" in company with Major or Mr. Black. Johnson went from this to Halifax in the "Mathilda."

On Saturday the captors resolved to burn their prize, and that night they sent ashore the men who had been engaged at St. George's to work her, and on Sunday morning they set fire to the ship, and abandoning her, landed at St. George's.

Their reasons for this are said to have been the impossibility of getting on board at sea sufficient coal to run her into Wilmington, and the intelligence they received here of the increased severity of the blockade.

This brings us down to the time of their arrest. The men who landed during Saturday night were known to have been engaged at St. George's for service, and those who came on shore on Sunday morning were in general heavily armed, one man having three six-barrelled revolvers concealed about him, another carrying two similar weapons, and the rest one each. Some of these fire-arms were loaded and capped; but those carried by Mr. Brain's own party had by his orders been discharged before they reached the shore.

All the people belonging to the "Roanoke," except the carpenter, appear to have been well treated by their captors.

The cigars, which formed a chief part of the cargo, were brought on shore in large quantities by the men who landed, and, not being duly entered, were seized by the revenue officers, some in the possession of Brain and his companions, others concealed on board a blockade-running steamer in harbour consigned to Mr. Black, and others again in obscure nooks and cellars, and in empty tents, in and about St. George's.

The proceedings before the magistrates lasted three days. On the second and third of these days I was represented, with your Excellency's sanction, by Mr. Richard Darrell, a barrister here, it being impossible for me to attend personally, and the Solicitor-General having been retained for the prisoners.

On the third day of the inquiry, the warrant or commission and the instructions on which Mr. Brain and his comrades relied as giving to their capture a warlike in lieu of a piratical character, were satisfactorily proved to be genuine; and all the prisoners were thereupon at once discharged.

Before leaving the Court, Mr. Brain expressed to Mr. Darrell his gratification at the respect which had been shown to the commission which he, Mr. Brain, carried.

It is sufficiently plain, that under these circumstances, the charge of piracy could not be sustained.

But it seems to be equally clear that a systematic violation of the Foreign Enlistment Act has been carried on in these islands, though as yet I have not obtained sufficient legal testimony to support the charge.

Independently, however, of any breach of the letter of that Act, which may or may not be brought home to any individual, there are points in and connected with this enterprise to which your Excellency will no doubt think it right to call the special attention of Her Majesty's Government.

Mr. Brain's warrant as acting master in the Confederate States' Navy, and his orders to capture the "Roanoke," were dated at Richmond, where he seems to have been then, the 26th May, 1864. Very soon after that he was in Bermuda, and there is strong reason to believe that it was here that he organised the plan which was consummated on the 29th September.

The capture having been effected, it was to Bermuda that he repaired with his prize, and here he communicated personally with people on shore on the night of the 11th October, and for three succeeding days and nights he hovered on our coasts, sometimes under cover of darkness availing himself of our anchorages, and receiving provisions and men from these islands by means of the "Village Girl."

It was to our shores he sent his prisoners, and when from adverse circumstances compelled to abandon his prize, it was here that he and his companions in arms sought an asylum for themselves, and a depository or hiding place for their booty.

Lastly, if rumour may be credited, on being discharged from custody they celebrated their escape with wine and noisy conviviality, openly boasting to their guests that very soon their exploit would be repeated.

No. 2.

Lord Lyons to Earl Russell.—(Received November 27.)

My Lord,

Washington, November 15. 1864.

I HAVE the honour to inclose copy of a despatch and its inclosures which I have received from the Lieutenant-Governor of Bermuda, relative to the recent capture of the United States' mail steam-ship "Roanoke," on her recent voyage from Havana to New York, whilst ten or twelve miles from the former place, by a party of Secessionists, and which bears close analogy to the capture in the same way of the "Chesapeake." Possibly some communication may be made to your Lordship through Mr. Adams in London, as none has been received at this Legation.

The Attorney-General of the Colony gave it as his opinion that the parties implicated could not be given up under the Treaty of 1842, which Mr. Allen, the United States' Consul, had invoked, grounding it on a previous decision in a similar case given in England.

The Lieutenant-Governor states that they were accordingly dismissed after a hearing, and on producing a commission from the Confederate States' authorities, as it was made clearly to appear that the commission and instructions relieved them from personal responsibility to neutral nations.

I have, &c.
(For Lord Lyons),
(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 2.

Lieutenant-Governor Hamley to Lord Lyons.

My Lord,

Bermuda, October 29, 1864.

IT has been represented to me while tracing for the Secretary of State for the Colonies an account of the incidents connected with the recent burning of the steamer "Roanoke" in these waters, that your Lordship would probably receive communications on this subject from the Government of the United States of America, and that it is desirable that you should be correctly informed concerning it.

I have the honour therefore to transmit herewith an extract from the "Bermuda Gazette" of the 25th instant, containing a sketch of the affair which is not far from the truth.

Your Lordship will note the extreme ease with which the capture of the "Roanoke" was effected by some very few persons against a crew and passengers numbering eighty-five.

I append to this communication copy of a correspondence between the Consul at Bermuda for the United States of America and myself, that gentleman having wished to put in force the Treaty between Her Majesty's Government and the United States of America, dated 9th August, 1842, with regard to the captors of the "Roanoke."

The Consul, Mr. Allen, has more than once represented to me the difficulties which lie in his way when investigating here any transactions by or belonging to the belligerents in America. I must state my full belief in these difficulties, for the sympathy of a very large portion of our population with the Southern States is not concealed, and I have not failed to observe how, in spite of unfriendly feeling, Mr. Allen has laboured almost single-handed in the interests of his Government.

I have, &c.

(Signed) W. G. HAMLEY.

Inclosure 2 in No. 2.

Mr. Allen to the Lieutenant-Governor of Bermuda.

Sir,

United States' Consulate, Bermuda, October 12, 1864.

ON the 10th instant I made a request to W. C. J. Hyland, Esq., Police Magistrate of the town of St. George's, that certain persons connected and implicated in what I believed to be an act of piracy, committed on board the United States' steamer "Roanoke," of New York, said persons then being in the town of St. George's, within the jurisdiction of the said Magistrate, that they be arrested and dealt with in accordance with the tenth section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America; with the said request I inclosed an affidavit setting forth the belief that such an act had been committed by the parties therein named.

I beg to inform your Excellency that I am not aware any action has yet been taken upon the matter, and that the parties alluded to are now at large within the jurisdiction of the said magistrate.

I have, &c.

(Signed) C. M. ALLEN.

Inclosure 3 in No. 2.

Lieutenant-Governor Hamley to Mr. Allen.

Sir,

Mount Langton, October 16, 1864.

I HAVE the honour to acknowledge the receipt of your letter of 12th instant, in which you inform me that you had requested Mr. Hyland, the Police Magistrate at St. George's, to cause to be arrested certain persons connected with and implicated in what you believe to be an act of piracy, and that these persons should be dealt with according to the tenth section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America; in which you also inform me that with your request to Mr. Hyland you had inclosed an affidavit

setting forth your belief of the matters stated, and in which you conclude by saying that you are not aware that any action has yet been taken in the matter, and that the suspected persons are still at large.

Having referred to the Attorney-General your letter, and one from Mr. Hyland of the same date on the same subject, covering your letter to him of the 10th with the accompanying affidavit, I am advised that the course adopted by you is not such as would warrant me in taking any proceeding under the Treaty referred to.

It may, however, afford you some satisfaction to be informed that an investigation has been held by two Magistrates (of which you are probably not altogether ignorant), the effect of which has been to show that even if you had in every respect complied with the requisites to an effectual application, and if I had, after the recent decision in England on a similar question, felt justified in issuing my warrant to the Magistrate, the result must have been, after perhaps a more protracted inquiry, the liberation of the persons charged by you with piracy.

These persons were, after a hearing, and the production of a commission from the Confederate States' authorities, dismissed on the 12th instant, as it was made clearly to appear that, whatever opinion might be entertained of the propriety of their conduct, the commission and instructions relieved them from personal responsibility to neutral nations.

I have, &c.

(Signed) W. G. HAMLEY.

No. 3.

Lord Lyons to Earl Russell.—(Received December 1.)

My Lord,

Washington, November 18, 1864.

WITH reference to my despatch of the 15th instant, inclosing to your Lordship copies of a correspondence received from his Excellency the Lieutenant-Governor of Bermuda, relative to the capture of the "Roanoke" by a party of Secessionists, I have the honour to inclose an extract taken from the "Daily Morning Chronicle" of this city, giving a summary of the proceeding before the Law Courts at Bermuda, and the wording of the commission of Captain Brain, signed by the Confederate Secretary of the Navy.

I have, &c.

(For Lord Lyons),

(Signed) J. HUME BURNLEY.

Inclosure in No. 3.

Extract from "Daily Morning Chronicle" of November 17, 1864.

THE CAPTURE OF THE "ROANOKE"—EXAMINATION OF THE PIRATES.—The Bermuda "Advocate" of the 12th of October contains a synopsis of the proceedings of the Court of Bermuda, in the case of Acting Master John C. Brain, Confederate States' Navy, on the charge of the burning of the Federal steamer "Roanoke," and his discharge, together with the discharge of his associates. The case, divested of all belligerent bias, appears to have been simply this:—

The "Roanoke," a Federal steamer plying between Havana and New York, left the former port on the 29th of September, and when at sea was suddenly captured by a number of her passengers, who turned out to be officers and men of the Confederate States, their commander being Captain Brain, well known in the case of the "Chesapeake."

The original intention was to carry the prize into Wilmington; but wanting provisions, coals, and men, she was brought to the neighbourhood of our islands in order to obtain all three. Here the attempt to carry her into Wilmington being considered hopeless, she was set on fire Sunday morning at 4 o'clock, and her passengers and crew landed here, taxing the exertions of the United States' Consul rather heavily to provide for the wants of such of them as were subjects of his Government. The captors also landed here, and were not a little surprised to find themselves immediately handed over to the hospitalities of our jail, whither they were committed *en masse*, on a charge of piracy, and, as it was at first alleged, of murder too—it being stated that one of the officers had been

shot, but, on examination, it turned out that the charge was not included in the warrant.

This capture took place on Sunday morning, and the captive captors being refused bail, became inmates of the jail up to Wednesday, being brought out daily for so many hours as it might suit official convenience to spare for the examination of officers and gentlemen charged with the same sort of offence as was in the habit of being committed in old days by Nelson and Collingwood, and Hood and Howe, and other officers whose names have, somehow or other, come to be handed down to us with some sort of historic fame, rather more to their credit than being pounced upon in an out-of-the-way colony, where illegal acts may be committed with very slow chances of visitation and made, Sampson-like, the sport of local beadleedom.

The proceedings before the magistrates were practically confined to taking the evidence of five witnesses. The first two were the officer and purser of the ship, who deposed to her capture in the way we have indicated. The third was the Inspector of Police, merely called to prove the capture of the Confederates, and the other two proved the handwriting of the Secretary of the Confederate States' Navy to commissions and letters of instruction directed to Captain Brain.

The Attorney-General appeared on the first day, but deputed Mr. Richard Darrell to represent him on the succeeding ones.

The commissions and letters of instruction having been duly verified, Mr. Darrell withdrew the charge, Captain Brain and his officers and men having spent three nights in a British jail, on a charge admitted to be untenable, and bail refused.

Captain Brain's commission was produced, and his letter of instructions from the Secretary of the Confederate States' Navy. The signatures of Mr. Mallory were proved by Mr. Fry.

The letter of instruction was as follows:—

“Confederate States of America, Navy Department,
“Richmond, May 26, 1864.

“Acting Master John C. Brain, C.S.N., Richmond, Va.

“Sir,

“You will herewith receive an appointment of Acting Master in the navy, and will proceed to Wilmington and there make the necessary arrangements to capture upon the high seas the Federal steamer ‘Roanoke,’ or the steamers ‘Morning’ or ‘Evening Star,’ all of which vessels are on a line running between New York and Havana.

“In case you succeed in capturing either of the above steamers, you will bring her and the prisoners of war to a Confederate port.

“The strictest regard for the rights of neutrals and neutral property must be observed, and discipline and subordination preserved among officers and men under your command, as a matter of security and success.

“You are authorized to appoint three acting master's mates, and three acting third assistant engineers, reporting their names to the Department as early as practicable, and you will also report your proceedings under this order.

“I am, &c.

(Signed) “S. R. MALLORY, *Secretary of the Navy.*”

“If the prisoners cannot be sent into the Confederacy you will parole them, taking their parole in writing, embracing the rank, grade, name and age, and taking their pledge not to serve against the Confederate States during the war, unless regularly exchanged.

“S. R. MALLORY, *Secretary.*”

Mr. Richard Darrell, on the part of the Attorney-General, then withdrew the charge, and the accused were released.

No. 4.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, December 17, 1864.

HER Majesty's Government have had under their consideration, in communication with the proper Law Advisers of the Crown, your Lordship's despatches of the 15th and 18th ultimo, together with other papers which have been received from the Acting

Governor of Bermuda, on the subject of the application made by the United States' Consul at that island for the extradition of certain persons who, having captured the United States' mail-steamer "Roanoke," on which they had embarked as passengers, burnt that vessel and came ashore there.

I have now to state to your Lordship that Her Majesty's Government are of opinion that subject to the question which seems to have existed as to the magistrate's jurisdiction, Captain Brain and the men under his orders were not improperly arrested upon the charge of piracy, but that the Attorney-General of Bermuda properly withdrew the charge on the production of the commission to Captain Brain from the Government of the so-styled Confederate States.

Her Majesty's Government also consider that these persons could not have been delivered up under the Extradition Treaty to the Consul of the United States, even if his application had been made in proper form.

I am, &c.
(Signed) RUSSELL.

No. 5.

Mr. Adams to Earl Russell.—(Received December 21.)

My Lord,

Legation of the United States, London, December 21, 1864.

I HAVE the honour to submit to your consideration copies of a correspondence which has taken place between Mr. Allen, Consul of the United States at Bermuda, and the authorities of that island, relative to the case of the steamer "Roanoke."

I am instructed by my Government to enter a protest against the proceedings therein described so far as they relate to the enlistment of men and the discharge of the parties concerned in the outrage. I am directed to specify most particularly the man Braine, already well known to the British authorities as having been engaged in a similar affair against the steamer "Chesapeake," in another portion of Her Majesty's dominions, from the proper consequences of which he was suffered to escape. It would appear from the evidence that in the last case, as in the former one, he had accomplices among the inhabitants of the place.

I have, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 5.

Mr. Allen to Mr. Seward.

*Consulate of the United States of America, Bermuda,
October 28, 1864.*

Sir,

I HAVE the honour to inclose herewith copies of all the correspondence between myself and the authorities of these islands in relation to the "Roanoke" affair, with copies of the inclosures they contained annexed.

It will, I trust, be obvious from this correspondence that all I could do under the circumstances was done to bring these men to justice. The real facts of the case, though no doubt known from the first to many in this town, were studiously concealed from me, and even after the arrest was made no official intimation was conveyed to me of the nature of the charge on which they had been arrested, nor was I requested to attend the examination. I was thus left to get at the matter as best I could, and under many disadvantages. It is, however, equally obvious that had I been in full possession of all the facts from the first and been able to make my application at an earlier stage of the proceedings, or to make any other kind or form of application, the result must have been precisely the same, as the decision come to by the authorities here was based, not on any deficiency or error in the steps taken by me, but simply on the isolated ground that the act proved did not, in the opinion of the Law Officers of the Crown, amount to enough to establish the charge made, and consequently could not come within the provisions of the Treaty of August 9, 1842.

This is evident from the fact that the accused were liberated not on a decision of the magistrates, but on the withdrawal of the complaint by the Attorney-General.

I am, &c.
(Signed) C. M. ALLEN.

Inclosure 2 in No. 5.

*Mr. Allen to Lieutenant-Governor Hamley.**Consulate of the United States of America, Bermuda,
October 6, 1864.*

Sir

I HAVE the honour to inclose herewith the affidavit of one Robert Devine.

Believing the fact therein set forth to be in contravention of the Foreign Enlistment Act, I would respectfully request your Excellency to take such immediate action as to prevent all persons being enlisted in these islands for such belligerent purposes.

I have, &c.

(Signed) C. M. ALLEN.

Inclosure 3 in No. 5.

Declaration of Robert Devine.

I HEREBY declare that I have this day been shipped by and before Mr. Black to join some Confederate vessel now in the offing to proceed to Wilmington. I signed articles, but the name of the vessel was not filled in. Some eighty or ninety other persons have also shipped for the same vessel. I was told by Mr. Black that he wanted no man who could not fight, or who was afraid of gunpowder, as they would have to fight their way to Wilmington.

(Signed) ROBERT DEVINE.

Declared before me, this 6th of October, 1864.

(Signed) W. C. J. HYLAND, J. P.

Inclosure 4 in No. 5.

Lieutenant-Governor Hamley to Mr. Allen.

Sir,

Mount Langton, October 6, 1864.

IN reference to the letter and inclosure which you placed in my hands this afternoon, I beg to inform you that after giving the matter all the consideration of which the time has admitted, I do not find sufficient evidence of any fact on which I can exercise executive authority or interposition, although there is enough to excite that vigilance which I will take care to exercise with regard to it.

As I cannot in a case like this act without convincing written testimony, and as I must of course rely principally on your activity to obtain the required evidence, I must request you to furnish me in writing with as early and authentic information on this point as you can possibly obtain.

Although I thus claim your energetic assistance, be assured of my using every means in my own power to prevent a breach of the Foreign Enlistment Act, or of the neutrality prescribed by Her Majesty's Government.

I have, &c.

(Signed) W. G. HAMLEY.

Inclosure 5 in No. 5.

Mr. Allen to Lieutenant-Governor Hamley.

Sir,

United States' Consulate, Bermuda, October 7, 1864.

I HAVE the honour to acknowledge the receipt of your Excellency's letter dated the 6th instant in which you inform me that you do not consider the evidence I produced sufficient to enable you to exercise executive authority.

I labour under the disadvantage of not having access to any copy of the Foreign Enlistment Act, and to some extent therefore write under obscurity; but if the fact of one or more Confederate war vessels being in the immediate neighbourhood of these islands, of one or both making nightly visits to Five-Fathom Hole, and there visited by a person acting as Confederate agent, of coal and other supplies being sent out there to them by a

well-known firm of this town, of men being entered for them by the so-called Confederate agent, and when reported of communicating with myself, being stripped in the presence of that agent by his direction and being searched for a protection or some other paper,—if these circumstances or any of them, notorious now in the town, constitute a breach of the Act in question, I have to submit that such a breach has been palpably made. I shall persevere in my endeavours to obtain such further evidence as may enable your Excellency to feel yourself justified in taking action; but I need hardly point out that situated as I am here, with the general policy of the community adverse to the cause I have the honour to represent in these islands, every difficulty will be thrown in the way of my obtaining it, and I can hardly hope for any but circumstantial evidence.

I have, &c.
(Signed) C. M. ALLEN.

Inclosure 6 in No. 5.

Mr. Allen to Lieutenant-Governor Hamley.

Consulate of the United States of America, Bermuda,

October 8, 1864.

Sir,

I HAVE the honour to inclose herewith evidence which in my opinion is conclusive to the extent of showing that an act of piracy has been committed on board an American vessel now in the immediate vicinity of these islands. Should your Excellency deem the evidence inclosed sufficient to enable you to take action in the matter, I beg to request that the steam-ship in question may be brought into port here at the earliest possible opportunity and a proper examination instituted.

I have, &c.
(Signed) C. M. ALLEN.

Inclosure 7 in No. 5.

Protest of Officers of the "Roanoke."

Bermuda alias Somer Islands.

By William Christopher John Hyland, Notary Public for the Islands of Bermuda and all other Her Majesty's Foreign Dominions and Territories, duly commissioned and sworn.

To all to whom this present writing or instrument of Protest shall come, Greeting:—

Know ye that on the day of the date hereof personally appeared before me Edward Dingle Nickols, late chief officer of the steam-ship "Roanoke," of the city of New York, in the United States of America, and Frank Edward Hawley, late Purser of said ship, who on oath say, that on the 29th of September last they left the city of Havana, in Cuba, laden with an assorted cargo and about forty passengers; that on the same day of the month, when they had been at sea about five hours, a man named Braine, *alias* Johnson, lately implicated in the seizure of the steam-ship "Chesapeake," of New York, assisted actively by about nine other persons, violently and by force of arms, when Captain Drew and most of the other officers were asleep in their state-rooms, seized the steam-ship "Roanoke," and placed the said Captain Drew, with the whole of the ship's company (the firemen excepted) in irons; that while so engaged they killed the carpenter of said steam-ship by shooting, and also wounded the third engineer; that they then proceeded, and made the Island of Bermuda on the 4th day of October instant, and took a pilot-boat on the evening of that day; that they proceeded to the eastward of these islands, and anchored in or near to Five-fathom Hole about 8 P.M. of that day, and there remained until about half-past 3 o'clock of the morning following; that about 9 o'clock, just after anchoring, the said Braine left the ship in the pilot-boat, and proceeded on shore in the direction of the town of St. George's; that at about 3 o'clock on the following morning the said Braine again returned to the said steam-ship, accompanied by four or five other persons from the shore; that they soon after weighed anchor and proceeded seaward; that on the night of the 5th instant the vessel was again brought and anchored in Five-fathom Hole or its vicinity; that about 11 o'clock on the same night five or six persons again came on board from the shore; that one of the said parties was recognized by a passenger, B. B. Blydenburgh, as Joseph Johnson, a merchant of the town of St. George's;

that they heard one of these parties, whom they have every reason to believe is named Black, tell the present purser of the said ship, one Jashoop, that the brig would not be out with coal and provision until the following day; that they shortly left the ship, and she again proceeded seaward, but again returned towards the land as night closed in; that at about 8 o'clock P.M. of the 6th October they made a brig, with a light at her foremast head, and they spoke her about eight or ten miles from the land, off the lighthouse, and she was ordered to heave-to until daylight; that a boat was sent on board of her from the said steam-ship, and she returned soon after with sundry provisions; that on the night and following morning about forty men were sent on board the steamer from the said brig, and which proved to be the "Village Girl," of Whitehaven; that all day of the 7th October was employed transporting coals and provisions on board the said steam-ship from the said brig "Village Girl;" that the said Braine, and other officers, informed them on that day that a brig with a black ball in her fore-topsail would come and take off the passengers of the "Roanoke," and proceed to Halifax with them; that they kept a look-out all that day, expecting said brig to appear. That at about 5 or 6 o'clock of the same evening a sail was made to the westward, when they stopped coaling and immediately made for it; on getting near her they hailed her, and ordered her to heave-to, and, at the same time, asked her name, and if she had a black ball in her fore-topsail. On finding it was not the vessel expected, the brig was told to proceed on her voyage, and the said steam-ship again returned to the "Village Girl," and took in further coal. That on or about 8 o'clock P.M. of that day they made another vessel, upon which they bore down to her: she also had a light at her foremast-head. That at about 10 o'clock P.M. of said night they commenced putting the baggage of the passengers on board the said brig, and at 11 o'clock the same night the passengers and all of the crew of said steam-ship, with the exception of three who were in irons, were placed on board the said brig, which proved to be the Danish brig "Mathilde," with a black-painted ball in her fore-topsail, and at about 4 o'clock A.M. of the 8th October the brig proceeded eastward, and at 7 o'clock P.M. of the same day they anchored in or near Five-fathom Hole. They further say, that the said steam-ship had not over ten tons of coal on board on the evening of this day. And these said appearers, upon their oaths aforesaid, do further declare, that during the said voyage, they, together with others of the said ship's company, did all they could to preserve the said steam-ship from seizure.

Wherefore the said Edward Dingle Nickols and Frank Edward Hawley have protested, and I, the Notary aforesaid, at their special instance and request, do publicly and solemnly protest against all and every person whom it doth or may concern, and especially against the seizure of the said steam-ship "Roanoke," by the aforesaid Braine and others; and against all losses, damages, costs, charges, and expenses, which have occurred, or may hereafter occur, by reason of the foregoing premises.

This done and protested in the town of St. George's, the 8th of October, 1864.

In testimony whereof these appearers have subscribed their names, and I, the Notary aforesaid, have hereunto affixed my Notarial seal.

(Signed) E. D. NICKOLS.
J. E. HAWLEY.

Inclosure 8 in No. 5.

Mr. Allen to Mr. Hyland.

*Consulate of the United States of America, Bermuda,
October 10, 1864.*

Sir,

I HEREWITH inclose affidavit having reference to certain acts of piracy and murder committed by persons now in the town of St. George's, Bermuda, and have respectfully to request the course of proceedings authorized by Article X of the Treaty of August 9, 1842, between the Government I have to represent and Her Majesty's Government, may be at once adopted.

I have, &c.
(Signed) C. M. ALLEN.

Inclosure 9 in No. 5.

Affidavit of Charles M. Allen.

I, CHARLES M. ALLEN, Consul of the United States for Bermuda, do solemnly and truly swear that I have good reason to believe, and do believe, that an act or acts of piracy and murder has or have been committed on board the United States' steam-vessel "Roanoke," at sea on or about the 29th day of September last, by one Braine, alias Johnson, assisted by one Dr. Parr, alias Anderson, and several other persons to this dependent unknown, and that the said persons have sought an asylum in the town of St. George's, in Bermuda, aforesaid.

(Signed) C. M. ALLEN.

Sworn before me this 10th day of October, 1864.

(Signed) JAMES H. THIES, Mayor.

Inclosure 10 in No. 5.

Mr. Allen to Lieutenant-Governor Hamley.

*Consulate of the United States of America, Bermuda,
October 12, 1864.*

Sir,

ON the 10th instant I made a request to W. C. J. Hyland, Esq., Police Magistrate of the town of St. George's, that certain persons connected with and implicated in what I believed to be an act of piracy, committed on board the United States' steamer "Roanoke" of New York, said persons then being in the town of St. George's, within the jurisdiction of the said Magistrate, be arrested and dealt with in accordance with the 10th Section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America; with the said request I inclosed an affidavit setting forth the belief that such an act had been committed by the parties therein named.

I beg to inform your Excellency that I am not aware any action has yet been taken upon the matter, and that the parties alluded to are now at large within the jurisdiction of the said magistrate.

I have, &c.
(Signed) C. M. ALLEN.

Inclosure 11 in No. 5.

Lieutenant-Governor Hamley to Mr. Allen.

Sir,

Mount Langton, October 16, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, in which you inform me that you had requested Mr. Hyland, the Police Magistrate in St. George's, to cause to be arrested certain persons connected with an implication in what you believe to be an act of piracy, and that these persons should be dealt with according to the 10th Section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America, in which you also inform me that with your request to Mr. Hyland you had inclosed an affidavit setting forth your belief of the matters stated, and in which you conclude by saying that you are not aware that any action has yet been taken in the matter, and that the suspected persons are still at large.

Having referred to the Attorney-General your letter and one from Mr. Hyland of the same date on the same subject covering your letter to him of the 10th, with the accompanying affidavit, I am advised that the course adopted by you is not such as would warrant me in taking any proceeding under the Treaty referred to.

It may, however, afford you some satisfaction to be informed that an investigation has been held by two magistrates (of which you are probably not altogether ignorant), the effect of which has been to show that even if you had in every respect complied with the requisites to an effectual application, and if I had after the recent decision in England on a similar question felt justified in issuing my warrant to the Magistrates, the result must have been, after perhaps a more protracted inquiry, the liberation of the persons charged by you with piracy.

These persons were, after a hearing and a production of a commission from the Confederate States' authorities, dismissed on the 12th instant, as it was made clearly to appear that whatever opinion might be entertained of the propriety of their conduct, the commission and instructions relieved them from personal responsibility to neutral nations.

I have, &c.

(Signed) W. G. HAMLEY.

No. 6.

Mr. Cardwell to Acting Governor Hamley.

Sir,

Downing Street, January 16, 1865.

I HAVE to acknowledge your despatch of the 28th October, relating to the arrest and release of Captain Brain and other persons concerned in the capture of the United States' vessel "Roanoke."

I am of opinion that (subject to the question which appears to have existed as to the magistrate's jurisdiction) Captain Brain and the men under his orders were properly arrested upon the charge of piracy, but I also think that the Attorney-General properly withdrew the charge upon the production of the commission to Captain Brain from the Confederate Government, as I am advised that these persons could not have been delivered up under the Extradition Treaty to the Consul of the United States, even if his application had been made in proper form.

You appear to be fully alive to the necessity of enforcing the provisions of the Foreign Enlistment Act, and it is therefore unnecessary for me to observe on the evasions and infringements of that Act, which in spite of the efforts of your Government appear to be practised in Bermuda.

The circumstances of this case require that I should again impress upon you the duty of enforcing stringently Her Majesty's orders against the entrance of prizes taken by either belligerent within the territorial waters of Her Majesty.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 7.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, January 21, 1865.

I HAVE had the honour to receive your letter of the 21st ultimo, protesting against the proceedings of Her Majesty's Colonial authorities at Bermuda in the case of the steamer "Roanoke," and inclosing copies of various documents relating thereto.

These papers refer to two different complaints. The one complaint is, that persons were enlisted at Bermuda with a view to make war on a State in amity with Her Majesty. The other complaint is, that certain passengers proceeding from Havana in the United States' vessel "Roanoke," when five hours from Havana on their voyage, rose on the captain made themselves masters of the vessel, destroyed her, and were afterwards permitted to land on the Island of Bermuda. The answer to the first complaint is, that sufficient evidence to convict the persons accused was not produced, and consequently they could not be convicted. The answer to the second complaint is, that the persons arrested for a supposed piratical act produced a commission authorizing that act as an operation of war, from the Government of the so-called Confederate States, which are acknowledged by Her Majesty's Government to possess belligerent rights.

I am, &c.

(Signed) RUSSELL.

APPENDIX (B).

Correspondence respecting Gun-boats on the North American Lakes.

No. 1.

Mr. Burnley to Earl Russell.—(Received October 14.)

(Extract.)

Washington, September 30, 1864.

A SHORT time ago Mr. Seward informed me at the State Department that he had just received telegraphic news of the seizure of two American steamers, the "Philoparsons" and "Island Queen," on Lake Erie by rebels from the Canadian shores, and requested me to inform Viscount Monk, who replied that he would do all he could to arrest the men and prevent the recurrence of such proceedings for the future.

It appears, however, from the note which I have received from Mr. Seward, and of which I beg to inclose a copy, that these occurrences have determined the United States' Government to increase the observing force on the American Lakes.

I have ventured to state to Mr. Seward in my reply, copy of which I beg also to inclose, that Her Majesty's Government will be better able to judge how far such a measure, even if temporary, can be warranted by Treaty stipulations.

I have thought it at the same time advisable to recall to Mr. Seward's recollection the note which Lord Lyons presented to him under instructions from your Lordship at the time when the United States' Government were discussing in Congress the question of abrogating the Treaty of 1817.

I beg likewise to inclose copy of a despatch addressed to Viscount Monck, informing him of the intention of the United States' Government.

Inclosure 1 in No. 1.

Mr. F. Seward to Mr. Burnley.

Sir,

Department of State, Washington, September 26, 1864.

I HAVE the honour to inform you, with a view to Her Majesty's Government being made acquainted with the facts, that owing to the recent hostile and piratical proceedings on the Lakes lying between the United States and Her Majesty's possessions, it has been deemed necessary for the present to increase the observing force of the United States on those Lakes; that the arrangement is temporary, and will be discontinued as soon as circumstances permit; and that the vessels to be employed on this service are to be under instructions to respect British rights in all cases.

I have, &c.

(Signed)

F. W. SEWARD, *Acting Secretary.*

Inclosure 2 in No. 1.

Mr. Burnley to Viscount Monck.

My Lord,

Washington, September 28, 1864.

I HAVE the honour to inclose copy of a note which I have received from Mr. Seward, informing me of the intention of the United States' Government to increase the observing force of the United States on the American Lakes, owing to the late hostile proceedings on Lake Erie.

I have, &c.

(Signed)

J. HUME BURNLEY.

Inclosure 3 in No. 1.

Mr. Burnley to Mr. Seward.

Sir,

Washington, September 28, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 26th instant, informing me that owing to recent piratical proceedings on Lake Erie, it had been found necessary to increase the observing force of the United States on the American Lakes lying between the United States and Her Majesty's possessions.

I beg to state, in reply, that I shall forward a copy of that note to Her Majesty's Government.

Without wishing to prejudge the question, I must leave it to Her Majesty's Government to decide as to whether such a measure, although only temporary in its effect, can be warranted by Treaty stipulations.

I would, however, simply here recall to your recollection a note of Lord Lyons, addressed to you on the 4th ultimo,* which set forth the views of Her Majesty's Government when the question of abrogating the Treaty limiting the naval force to be maintained upon the American Lakes was brought before Congress.

I have, &c.

(Signed) J. HUME BURNLEY.

No. 2.

Mr. Burnley to Earl Russell.—(Received October 14.)

(Extract.)

Washington, September 30, 1864.

WITH reference to my despatch of to-day's date, informing your Lordship of the intentions of the American Government to increase their observing force on the American Lakes, owing to the recent occurrences on Lake Erie, I have the honour to inclose extract of a despatch from Mr. Consul Donohoe reporting the movements of General Dix.

Inclosure in No. 2.

Consul Donohoe to Mr. Burnley.

(Extract.)

Buffalo, September 26, 1864.

I HAVE seen a statement in the newspapers to the effect that General Dix, who passed through this city on Thursday last, has been sent to Detroit and other Western cities on the Lakes for the purpose of obtaining the necessary statements and affidavits to enable the United States' Government to claim the extradition of the men who took part in the seizure of the Lake steamers, and who are said to have taken refuge in Canada.

No. 3.

Mr. Burnley to Earl Russell.—(Received October 16.)

My Lord,

Washington, October 4, 1864.

WITH reference to my despatches of the 30th ultimo, I beg to inclose copy of a note and of its inclosures which I have received from Mr. Seward, stating what arrangements have been made to increase the American force on the Canadian Lakes.

Your Lordship will perceive that, although Mr. Seward in his covering note only

* *Lord Lyons to Mr. Seward.*

Sir,

Washington, August 4, 1864.

The attention of Her Majesty's Government has been drawn to the motion which was made in Congress during the recent session, with a view to putting an end to the arrangement between Great Britain and the United States, limiting the naval force to be maintained upon the American Lakes.

This arrangement has worked satisfactorily for nearly half a century. It has preserved both nations from a vast amount of inconvenience and expense, and (which is of infinitely more importance) it has warded off occasions of disagreement and quarrel. Her Majesty's Government would view the abrogation of it with great regret and no little alarm.

I have, &c.

(Signed) LYONS.

alludes to one vessel, the "Hector," in the inclosure from Mr. Fessenden of the Treasury another vessel is given as having been chartered at Buffalo, the "Winslow."

These two, with the revenue cutter reported by Mr. Consul Donohoe to be ready for launching at Buffalo, will form three vessels intended, I presume, for operations on Lake Erie.

I stated in the course of conversation the other day to Mr. Seward, at the State Department, that I doubted whether these proceedings would be agreeable to Her Majesty's Government, for temporary measures were sometimes as difficult to get rid of as permanent ones, but that at the same time they would be better able to judge when the correspondence on the subject was before them.

I have confined myself this time to simply acknowledging receipt of Mr. Seward's despatch, and informing him that a copy of it and of the inclosures would be forwarded to your Lordship.

From the commencement of the occurrences on Lake Erie I have kept Viscount Monck informed of all that has passed, in order that his Lordship may without loss of time be fully cognizant of what is doing by the United States' Government.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 3.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, October 1, 1864.

WITH reference to the previous correspondence between this Department and Her Britannic Majesty's Legation on the subject, I have the honour to communicate a copy of a letter of yesterday, addressed to this Department by the Secretary of the Treasury, from which it appears that it has been deemed advisable at this juncture to charter the steam-propeller "Hector" for revenue cutter purposes on the Lakes. Any excess, however, which may thus be occasioned in the armament of United States' vessels in that quarter over the limits fixed by the Arrangement of April 1817, will be temporary only, and as it has been made necessary by an emergency probably not then foreseen, may not be regarded as contrary to the spirit of the stipulations of that instrument.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 3.

Mr. Fessenden to Mr. Seward.

Sir,

Washington, September 30, 1864.

I HAVE the honour to acknowledge the receipt of your letter of this date, transmitting telegram from General Hitchcock, and to state that this Department has this day chartered the steam-propeller "Hector" (at Oswego, New York) for revenue cutter purposes. This vessel, together with the "Winslow," chartered at Buffalo a few days since, will be fitted for service with all possible despatch.

The telegram is herewith returned.

I am, &c.

(Signed) W. P. FESSENDEN, *Secretary of the Treasury.*

Inclosure 3 in No. 3.

Major-General Hitchcock to Mr. Stanton.

(Telegraphic.)

Sandusky, Ohio, September 23, 1864.

I TAKE upon myself to express an opinion that the safety of our commerce on the Lakes, and the security of the cities along the Lake shores, make it of the highest importance, if not an indispensable necessity, that the Government should have several armed vessels fully manned to prevent the rebels who find security in Canada from seizing steamers engaged in commerce and converting them into war vessels, with a few of which

they may, if not prevented, do us incalculable mischief. Ex-Secretary Thompson is employed in Canada in setting on foot expeditions of the most dangerous character. The recent seizure of two steam-boats in this vicinity has indeed terminated disastrously for the projectors of the horrible scheme, but the demonstration actually made is a sufficient warning to induce our Government to take immediate measures to guard against a repetition of it. It will be but an act of self-defence, and from the disclosures made by Coole, now in arrest at Johnson's Island, earnestly recommended that no time be lost in putting afloat armed vessels upon Lake Ontario, and speedily upon the Upper Lakes also.

I suppose we are engaged in war rendering this step justifiable under the Treaty of 1815, but it is my duty to speak only of the justifying necessity of the case.

No. 4.

Mr. Burnley to Earl Russell.—(Received October 30.)

My Lord,

Washington, October 14, 1864.

I HAVE the honour to inclose copy of a note of the 10th instant, which has been addressed to me by Mr. Seward in answer to one I wrote to him on the 28th September inclosed in my despatch of the 30th ultimo, informing me that the correspondence on the subject of the increase of force of the United States on the American Lakes will be transmitted to Mr. Adams, the American Minister in London, with a view of giving satisfactory explanations to your Lordship.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure in No. 4.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, October 10, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 28th ultimo in relation to the proposed temporary increase of the observing force of the United States on the American Lakes, and in reply to inform you that I have transmitted a copy of the correspondence on the subject to Mr. Adams, the Minister of the United States at London, who has been requested to make explanations to Earl Russell, which it is not doubted will prove satisfactory to Her Majesty's Government.

I have, &c.

(Signed) WILLIAM H. SEWARD.

No. 5.

Mr. Adams to Earl Russell.—(Received November 1.)

My Lord,

Legation of the United States, London, October 31, 1864.

I HAVE received from my Government a copy of a letter addressed by Mr. F. W. Seward, Assistant Secretary of State, to J. Hume Burnley, Esq., Her Majesty's Chargé d'Affaires at Washington, on the subject of certain arrangements temporarily made for the purpose of better securing the unprotected boundaries of the United States on the Lakes adjoining Her Majesty's Possessions in North America against hostile and predatory proceedings threatened by irresponsible conspirators against the peace, acting in defiance of the authority of both nations.

I am directed further to repeat to your Lordship that in these proceedings there is no intention to abrogate the agreement long since made so beneficially to both countries in regard to mutual disarmament on these Lakes; and further, that so soon as the period shall arrive when there will be no longer a reasonable cause for apprehending any repetition of the lawless acts referred to, it will give my Government the greatest satisfaction to seize the earliest moment to dispense with these precautionary exceptional measures.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 5.

Mr. F. Seward to Mr. Burnley.

Sir, *Department of State, Washington, September 26, 1864.*
 I HAVE the honour to inform you, with a view to Her Majesty's Government being made acquainted with the facts, that, owing to the recent hostile and piratical proceedings on the Lakes lying between the United States and Her Majesty's Possessions, it has been deemed necessary for the present to increase the observing force of the United States on those Lakes; that the arrangement is temporary and will be discontinued so soon as circumstances permit; and that the vessels to be employed on this service are to be under instructions to respect British ships in all cases.

I have, &c.
 (Signed) F. W. SEWARD, *Assistant Secretary of State.*

No. 6.

Earl Russell to Mr. Burnley.

Sir, *Foreign Office, November 3, 1864.*
 WITH reference to your despatches of the 14th ultimo, I inclose, for your information, a copy of a note from Mr. Adams respecting the temporary increase of the United States' naval forces on the American Lakes.*

I am, &c.
 (Signed) RUSSELL.

No. 7.

Mr. Burnley to Earl Russell.—(Received January 29.)

My Lord, *Washington, January 13, 1865.*
 I HAVE the honour to inclose copy of Mr. Seward's reply to my note of the 17th December last, of which I beg to inclose a copy, communicating to him, under the instruction received from Her Majesty's Government, copy of your Lordship's despatch of the 26th November last.

I have, &c.
 (Signed) J. HUME BURNLEY.

Inclosure 1 in No. 7.

Mr. Burnley to Mr. Seward.

Sir, *Washington, December 17, 1864.*
 I HAVE the honour to communicate to you, under the instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, the inclosed copy of a despatch addressed to Lord Lyons relative to the intention of the United States' Government, in conformity with the Treaty reservation right, to increase their naval armament upon the North American Lakes.

I have, &c.
 (Signed) J. HUME BURNLEY.

Inclosure 2 in No. 7.

Mr. Seward to Mr. Burnley.

Sir, *Department of State, Washington, January 10, 1865.*
 I HAVE the honour to acknowledge the receipt of your note of the 17th ultimo, communicating to me, under the instructions of Her Britannic Majesty's Government, a

copy of a despatch of the 26th of November last, addressed by Earl Russell to Lord Lyons in regard to the notice given by this Government for the termination of the existing conventional arrangement between Great Britain and the United States, limiting the naval force of the respective Governments on the Lakes, and to the reasons which prompted that notice.

The views and suggestions which Earl Russell has thus presented to this Government will receive an attentive consideration.

I have, &c.
(Signed) WILLIAM H. SEWARD.

APPENDIX (C).

PROCLAMATION of the President of the United States, for the prevention of illegal Combinations against the Dominions of Great Britain in Canada.—Washington, November 21, 1838.

By the President of the United States of America.

A PROCLAMATION.

WHEREAS there is too much reason to believe that citizens of the United States, in disregard of the solemn warning heretofore given to them by the Proclamations issued by the Executive of the General Government, and by some of the Governors of the States, have combined to disturb the peace of the dominions of a neighbouring and friendly nation: And whereas information has been given to me, derived from official and other sources, that many citizens in different parts of the United States are associated or associating for the same purpose: And whereas disturbances have actually broken out anew in different parts of the two Canadas: And whereas, a hostile invasion has been made by citizens of the United States, in conjunction with Canadians and others, who, after forcibly seizing upon the property of their peaceful neighbour, for the purpose of effecting their unlawful designs, are now in arms against the authorities of Canada, in perfect disregard of their own obligations as American citizens, and of the obligations of the Government of their country to Foreign Nations:

Now, therefore, I have thought it necessary and proper to issue this Proclamation, calling upon every citizen of the United States neither to give countenance nor encouragement of any kind to those who have thus forfeited their claim to the protection of their country; upon those misguided or deluded persons who are engaged in them to abandon projects dangerous to their own country, fatal to those whom they profess a desire to relieve, impracticable of execution without foreign aid, which they cannot rationally expect to obtain, and giving rise to imputations (however unfounded) upon the honour and good faith of their own Government; upon every officer, civil and military, and upon every citizen;—by the veneration due by all freemen to the laws which they have assisted to enact for their own Government,—by his regard for the honour and reputation of his country,—by his love of order and respect for that sacred code of laws by which national intercourse is regulated,—to use every effort in his power to arrest, for trial and punishment, every offender against the laws providing for the performance of our obligations to the other Powers of the world.

And I hereby warn all those who have engaged in these criminal enterprizes, if persisted in, that, whatever may be the condition to which they may be reduced, they must not expect the interference of this Government, in any form, on their behalf; but will be left, reproached by every virtuous fellow-citizen, to be dealt with according to the policy and justice of that Government whose dominions they have, in defiance of the known wishes and efforts of their own Government, and without the shadow of justification or excuse, nefariously invaded.

Given under my hand, at the city of Washington, the 21st day of November, in the year of our Lord 1838, and the 63rd of the Independence of the United States.

By the President,

JOHN FORSYTH, Secretary of State.

M. VAN BUREN.

ACT OF CONGRESS of The United States, supplementary to an Act entitled "An Act in addition to the Act for the punishment of certain Crimes against The United States, and to repeal the Acts therein mentioned," for the prevention of American Armed Expeditions against certain Foreign Territories (in Canada) coterminous with those of The United States. Approved 20th April, 1818.—March 10, 1838.

SECTION I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the several Collectors, Naval Officers, Surveyors, Inspectors of Customs, the Marshals, and Deputy Marshals of the United States, and every other officer who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby, respectively authorized and required to seize and detain any vessel or any arms or munitions of war which may be provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign Prince or State, or of any Colony, district, or people con-

minous with the United States, and with whom they are at peace, contrary to the 6th section of the Act passed on the 20th of April, 1818,* entitled "An Act in addition to the Act for the punishment of certain crimes against the United States, and to repeal the Acts therein mentioned," and retain possession of the same until the decision of the President be had thereon, or until the same shall be released as hereinafter directed.

Section II. And be it further enacted, That the several Officers mentioned in the foregoing section shall be, and they are hereby, respectively authorized and required to seize any vessel or vehicle, and all arms and munitions of war, about to pass the frontier of the United States for any place within any foreign State or Colony conterminous with the United States, where the character of the vessel or vehicle, and the quantity of arms and munitions, or other circumstances, shall furnish probable cause to believe that the said vessel or vehicle, arms or munitions of war, are intended to be employed by the owner or owners thereof, or any other person or persons, with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign Prince or State, or any Colony, district, or people conterminous with the United States, and with whom the United States are at peace, and detain the same until the decision of the President be had for the restoration of the same, or until such property shall be discharged by the judgment of a Court of competent jurisdiction: Provided, That nothing in this Act contained be so construed as to extend or interfere with any trade in arms or munitions of war, conducted in vessels by sea with any port or place whatsoever, or with any other trade which might have been lawfully carried on before the passage of this Act, under the Law of Nations and the provisions of the Act hereby amended.

III. And be it further enacted, that it shall be the duty of the officer making any seizure, under this Act, to make application, with due diligence, to the District Judge of the District Court of the United States within which such seizure may be made, for a warrant to justify the detention of the property so seized; which warrant shall be granted only on oath or affirmation, showing that there is probable cause to believe that the property so seized is intended to be used in a manner contrary to the provisions of this Act; and if said Judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such a seizure within a reasonable time, not exceeding ten days thereafter, the said property shall forthwith be restored to the owner. But if the said Judge shall be satisfied that the seizure was justified under the provisions of this Act, and issue his warrant accordingly, then the same shall be detained by the officer so seizing said property, until the President shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law, on the petition of the claimant as hereinafter provided.

IV. And be it further enacted, that the owner or claimant of any property seized under this Act may file his petition in the Circuit or District Court of the United States in the district where such seizure was made, setting forth the facts in the case; and thereupon such Court shall proceed, with all convenient despatch, after causing due notice to be given to the District Attorney and Officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this Act; and the Circuit and District Courts shall have jurisdiction, and are hereby vested with full power and authority, to try and determine all cases which may arise under this Act; and all issues in fact arising under it shall be decided by a jury in the manner now provided by law.

V. And be it further enacted, that whenever the officer making any seizure under this Act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration, and failed to obtain it, and the property so seized shall have been in the custody of the officer for the term of three calendar months from the date of such seizure, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained, with at least two sureties, to be approved by the Judge of the Circuit or District Court, with a condition that the property, when restored, shall not be used or employed by the owner or owners thereof, or by any other person or persons, with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign Prince or State, or any Colony, district, or people conterminous with the United States, with whom the United States are at peace; and thereupon the said officer shall restore such property to the owner or claimant thus giving bond: Provided, that such restoration shall not prevent seizure from being again made, in case there may exist fresh cause to apprehend a new violation of any of the provisions of this Act.

VI. And be it further enacted, that every person apprehended and committed for trial, for any offence against the Act hereby amended, shall, when admitted to bail for his appearance, give such additional security as the Judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the Act hereby amended.

VII. And be it further enacted, that whenever the President of the United States shall have reason to believe that the provisions of this Act have been, or are likely to be, violated, that offences have been, or are likely to be, committed against the provisions of the Act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the Judge, Marshal, and District Attorney of such district, to attend at such place within the district and for such time as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the

* See State Papers, vol. 9, p. 382

violation of the Act hereby amended; and it shall be the duty of every such Judge, or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

VIII. And be it further enacted, that it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution of this Act, and the Act hereby amended.

IX. And be it further enacted, that this Act shall continue in force for the period of two years, and no longer.

[Approved, March 10th, 1838.]

Proclamation of the President of the United States, for the Prevention of unlawful Interference of American Citizens in the Civil War in Canada.—Washington, January 5, 1838.

WHEREAS information having been received of a dangerous excitement on the northern frontier of the United States, in consequence of the civil war begun in Canada, and instructions having been given to the United States' officers on that frontier, and applications having been made to the Governors of the adjoining States to prevent any unlawful interference on the part of our citizens in the contest unfortunately commenced in the British provinces: additional information has just been received that, notwithstanding the proclamations of the Governors of the States of New York and Vermont, exhorting their citizens to refrain from any unlawful acts within the territory of the United States; and notwithstanding the presence of the civil officers of the United States, who, by my directions, have visited the scenes of commotion with a view of impressing the citizens with a proper sense of their duty, the excitement, instead of being appeased, is every day increasing in degree—that arms and munitions of war, and other supplies, have been procured by the insurgents in the United States—that a military force, consisting in part, at least, of citizens of the United States, had been actually organized, had congregated at Navy Island, and were still in arms under the command of a citizen of the United States, and that they were constantly receiving accessions and aid.

Now, therefore, to the end that the authority of the laws may be maintained, and the faith of Treaties observed, I, Martin Van Buren, do most earnestly exhort all citizens of the United States who have thus violated their duties, to return peaceably to their respective homes; and I hereby warn them, that any persons who shall compromise the neutrality of this Government by interfering in an unlawful manner with the affairs of the neighbouring British provinces, will render themselves liable to arrest and punishment under the laws of the United States, which will be rigidly enforced; and also that they will receive no aid or countenance from their Government into whatever difficulties they may be thrown by the violation of the laws of their country, and the territory of a neighbouring and friendly nation.

Given under my hand at the city of Washington, the 5th day of January, A.D., 1838, and the 62nd of the independence of the United States.

By the President:

(L.S.) M. VAN BUREN.

JOHN FORSYTH, Secretary of State.

APPENDIX (D).

Proclamation of the President of the United States, publishing the Arrangement concluded with Great Britain in April, 1817, relative to the Naval Force to be maintained by the two Powers upon the American Lakes.—Washington, April 28, 1818.

By the President of the United States of America.

A PROCLAMATION.

WHEREAS an Arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord 1817, between Richard Rush, Esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Honourable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty; which Arrangement is in the words following, to wit:

"The naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is:—

"On Lake Ontario, to one vessel not exceeding 100 tons burden, and armed with one 18-pound cannon.

"On the Upper Lakes, to two vessels, not exceeding like burden each, and armed with like force.

"On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

"All other armed vessels on these Lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party."

And whereas, the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect; the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty;

Now, therefore, I James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this 28th day of April, in the year of our Lord 1818, and of the Independence of the United States the 42nd.

(Signed) JAMES MONROE.

By the President:
(Signed) JOHN QUINCY ADAMS, *Secretary of State.*

Correspondence respecting the Attack on St. Albans,
Vermont ; and Naval Force on the North American
Lakes.

With Appendices.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA. No. 2. (1865.)

PAPERS

RESPECTING THE

TERMINATION

OF THE

RECIPROCITY TREATY

OF

JUNE 5, 1854,

BETWEEN

GREAT BRITAIN AND THE UNITED STATES.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Papers respecting the Termination of the Reciprocity Treaty of
June 5, 1854, between Great Britain and the United
States.

No. 1.

Mr. Adams to Earl Russell.—(Received March 17.)

My Lord,

Legation of the United States, London, March 17, 1865.

UNDER instructions from the Government of the United States, I have the honour to transmit to your Lordship a certified copy of a joint resolution of the Congress of the United States, approved by the President on the 18th of January, 1865, in regard to the termination of the Treaty concluded between the United States and Her Britannic Majesty on the 5th of June, 1854, commonly known as the Reciprocity Treaty.

I have the honour further to inform you that I am directed to notify Her Majesty's Government that, as it is considered no longer for the interests of the United States to continue this Treaty in force, it will terminate and be of no further effect, as provided by the terms of the instrument, at the expiration of twelve months from the date of the reception by your Lordship of this notice.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 1.

*Joint Resolution providing for the Termination of the Reciprocity Treaty of June 5, 1854,
between the United States and Great Britain.*

WHEREAS it is provided in the Reciprocity Treaty concluded at Washington, the 5th of June, 1854, between the United States of the one part, and the United Kingdom of Great Britain and Ireland of the other part, that this Treaty "shall remain in force for ten years from the date at which it may come into operation: and further, until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same;" and whereas, it appears by a Proclamation of the President of the United States, bearing date 16th March, 1855, that the Treaty came into operation on that day; and whereas, further, it is no longer for the interests of the United States to continue the same in force; therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notice be given of the termination of the Reciprocity Treaty, according to the provision therein contained for the termination of the same; and the President of the United States is hereby charged with the communication of such notice to the Government of the United Kingdom of Great Britain and Ireland.

Approved January 18, 1865.

No. 2.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, March 17, 1865.

I HAVE the honour to acknowledge the receipt of your letter of this day, containing a Resolution of the Congress of the United States approved by the President, in regard to the termination of the Treaty of 1854, commonly known as the Reciprocity Treaty.

Her Majesty will instruct Sir Frederick Bruce, on his proceeding to Washington as Her Majesty's Envoy Extraordinary, upon this subject.

I am, &c.
(Signed) RUSSELL.

Papers respecting the Termination of the Reciprocity
Treaty of June 5, 1854, between Great Britain
and the United States.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA. No. 3. (1865.)

CORRESPONDENCE

ARISING OUT OF THE

CONFLICT

BETWEEN

THE “KEARSARGE” AND THE “ALABAMA.”

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address dated May 19, 1865.*

LONDON :
PRINTED BY HARRISON AND SONS.

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RETURN to an Address of the Honourable the House of Commons, dated May 19, 1865;

for—

‘A Copy or Extracts of all Correspondence between the Government of the United States and Her Majesty’s Government, arising out of the Conflict between the United States’ Ship of War ‘Kearsage’ and the Confederate Cruiser ‘Alabama.’”

No. 1.

Mr. Adams to Earl Russell.—(Received June 25.)

My Lord,

Legation of the United States, London, June 25, 1864.

I FEEL it my duty to submit to your consideration a copy of the official Report of Captain Winslow, of the United States’ steamer “Kearsage,” to the Secretary to the Navy, respecting the action which took place on Sunday last with the vessel first known at Liverpool as the gun-boat “No. 290,” and since under the name of the “Alabama.”

It would appear from this statement that a grave question has arisen as to the fact of the interference of a British vessel with a view to aid in effecting the escape of a number of persons belonging to the “Alabama,” who had already surrendered themselves as prisoners of war. These persons have been brought to this kingdom, and are believed to be in readiness to enter again into the same service on the first opportunity. Thus the system heretofore so frequently brought to your Lordship’s notice of making this island the base of hostile operations against the commerce of the United States is in danger of being carried on under a still more aggravated form.

I have the honour likewise to transmit a list of the names and official character of the persons who were picked up by the yacht “Deerhound,” and brought to this island. I feel it my duty to call your Lordship’s attention to the remarkable proportion of officers and of American insurgents in this list, as compared with the whole number of persons rescued from the waves. That this selection was made by British subjects with a view to connive at the escape of these particular individuals from captivity, I can scarcely entertain a doubt.

Inasmuch as the questions involved in this proceeding appear to me of a character too serious to justify my proceeding further without specific instructions, I shall now content myself with simply submitting these papers for the information of Her Majesty’s Government.

Renewing, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 1.

Captain Winslow, U.S.N., to Mr. Welles.¶

Sir,

“Kearsage,” Cherbourg, France, June 21, 1864.

I HAVE the honour to report that towards the close of the action between the “Alabama” and this vessel, all available sail was made on the former, for the purpose of again reaching Cherbourg. When the object was apparent, the “Kearsage” was steered across the bow of the “Alabama” for a raking fire, but before reaching this point the “Alabama” struck. Uncertain whether Captain Semmes was not making some ruse, the “Kearsage” was stopped. It was seen shortly afterwards that the “Alabama” was lowering her boats. And an officer came alongside in one of them to say that they had surrendered, and were fast sinking, and begging that boats would be despatched immediately

for saving of life. The two boats not disabled were at once lowered, and as it was apparent the "Alabama" was settling, this officer was permitted to leave in his boat to afford assistance.

An English yacht, the "Deerhound," had approached near the "Kearsarge" at this time, when I hailed and begged the Commander to run down to the "Alabama," as she was fast sinking and we had but two boats, and assist in picking up the men. He answered affirmatively, and steamed towards the "Alabama," but the latter sunk almost immediately. The "Deerhound," however, sent her boats, and was actively engaged, aided by several others which had come from the shore.

These boats were busy in bringing the wounded and others to the "Kearsarge," whom we were trying to make as comfortable as possible, when it was reported to me that the "Deerhound" was moving off. I could not believe that the commander of that vessel could be guilty of so disgraceful an act as taking our prisoners off, and therefore took no means to prevent it, but continued to keep our boats at work, rescuing the men in the water.

I am sorry to say that I was mistaken. The "Deerhound" made off with Captain Semmes and others, and also the very officer who had come on board to surrender.

I learnt subsequently that the "Deerhound" was a consort of the "Alabama," and that she received on board all the valuable personal effects of Captain Semmes the night before the engagement.

I have, &c.
(Signed) JNO. A. WINSLOW.

Inclosure 2 in No. 1.

List of Officers and Men belonging to the "Alabama" who were picked up by the British yacht "Deerhound," and landed at Southampton.

Captain—Semmes.
Lieutenants—Kell and Sinclair.
Lieutenant—Howell (Marines).
Sailing-Master—Bullock.
Midshipmen—Maffit and Anderson.
Master's Assistants—G. T. Fulham,
J. Evans, Muliner and Schroeder.
Engineer—O'Brien.
Gunner—Cuddy.
Captain's Clerk—Smith.

Petty Officers—J. Braesman, W. Crawford, W. Purdy, J. Dent, B. Johnston, C. Seymour, C. Steeson, J. Connor.
Firemen—O. Duffy, J. Foxon, W. Levins, M. McFarlane, J. Mason.
Seamen—T. McMillan, F. Townshend, R. Masters, G. Redman, H. Angel, W. McClellan, W. Hearn, L. Depoys, A. Pfiffer, F. Lennan, J. Mahan, P. Wharton, T. Kehoe and R. Longshaw.

No. 2.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, June 27, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 25th instant, complaining of the interference of a British vessel, the "Deerhound," with a view to aid in effecting the escape of a number of persons belonging to the "Alabama," who you state had already surrendered themselves prisoners of war, and calling my attention to the remarkable proportion of officers and American insurgents, as compared with the whole number of persons rescued from the waves. You state, further, that you can scarcely entertain a doubt that this selection was made by British subjects with a view to connive at the escape of these particular individuals from captivity.

I have the honour to state to you, in reply, that it appears to me that the owner of the "Deerhound," of the Royal Yacht Squadron, performed only a common duty of humanity in saving from the waves the captain and several of the crew of the "Alabama." They would otherwise, in all probability, have been drowned, and thus would never have been in the situation of prisoners of war.

It does not appear to me to be any part of the duty of a neutral to assist in making prisoners of war for one of the belligerents.

I shall, however, transmit to the owner of the "Deerhound" a copy of your letter and its inclosures, together with a copy of this letter.

I am, &c.
(Signed) RUSSELL.

No. 3.

Mr. Hammond to Mr. Lancaster.

Sir, *Foreign Office, June 27, 1864.*
I AM directed by Earl Russell to transmit to you copy of a note and its inclosure^s from the United States' Minister at this Court,* complaining of the course pursued by you in aiding the escape of a portion of the crew of the "Alabama," who, it is alleged, had surrendered themselves as prisoners of war to the United States' ship "Kearsarge."

I also inclose a copy of the note which his Lordship has addressed to Mr. Adams in reply.†

I am, &c.
(Signed) E. HAMMOND.

No. 4.

The Secretary to the Admiralty to Mr. Hammond.—(Received June 28.)

Sir, *Admiralty, June 27, 1864.*
I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Russell, that eleven men lately belonging to the Confederate vessel "Alabama" were landed, on the 24th instant, at Eastbourne, from the smack "Robert and Mary," of Southampton, last from Cherbourg.

The men stated they were picked up by the "Kearsarge" on Sunday last, and liberated at Cherbourg, and were then proceeding to London.

I am, &c.
(Signed) C. PAGET.

No. 5.

Mr. Clarke to Earl Russell.—(Received July 5.)

My Lord, *Hindley Hall, Wigan, July 4, 1864.*
ON behalf of Mr. John Lancaster, I beg to acknowledge the receipt of your Lordship's favour dated the 27th June, 1864, accompanied with certain documents relating to that gentleman's part in the rescue of the Captain and a portion of the crew of the "Alabama" on the 19th ultimo.

Mr. Lancaster left here on Monday last for Norway, whence he is expected to return about the latter end of next week. Immediately on his arrival at home the above-mentioned documents shall be submitted to him, and I have no doubt they will receive his prompt attention.

I take the liberty of drawing your Lordship's attention to a letter from Mr. Lancaster, inserted in the "Daily News" of the 29th ultimo (p. 5, col. 6), a copy of which paper I inclose with this. The letter contains Mr. Lancaster's own narrative of his share in the proceedings to which it refers, and it will be seen that he therein emphatically denies many of the allegations advanced by Captain Winslow, and inclosed by Mr. Adams.

I have, &c.
(Signed) EDMUND CLARKE.

Inclosure in No. 5.

Extract from the "Daily News" of June 29, 1864.

THE "DEERHOUND," THE "ALABAMA," AND THE "KEARSARGE."

To the Editor of the "Daily News,"

"Hindley Hall, Wigan, June 27.

Sir,

As two correspondents of your journal, in giving their versions of the fight between the "Alabama" and the "Kearsarge," have designated my share in the escape of Captain Semmes and a portion of the crew of the sunken ship as "dishonourable," and have moreover affirmed that my yacht the "Deerhound" was in the harbour of Cherbourg before the engagement, and proceeding thence on the morning of the engagement in order to assist the "Alabama," I presume I may trespass upon your kindness so far as to ask for an opportunity to repudiate the imputation and deny the assertion. They admit that when the "Alabama" went down, the yacht, being near the "Kearsarge," was hailed by Captain Winslow and requested to aid in picking up the men who were in the water; but they intimate that my services were expected to be merely ministerial; or, in other words, that I was to put myself under the command of Captain Winslow, and place my yacht at his disposal for the capture of the poor fellows who were struggling in the water for their lives. The fact is, that when we passed the "Kearsarge" the Captain cried out, "For God's sake do what you can to save them," and that was my warrant for interfering in any way for the aid and succour of his enemies. It may be a question with some whether, without that warrant, I should have been justified in endeavouring to rescue any of the crew of the "Alabama;" but my own opinion is that a man drowning in the open sea cannot be regarded as an enemy at the time to anybody, and is therefore entitled to the assistance of any passer-by. Be this as it may, I had the earnest request of Captain Winslow to rescue as many of the men who were in the water as I could lay hold of, but that request was not coupled with any stipulation to the effect that I should deliver up the rescued men to him as his prisoners. If it had been I should have declined the task, because I should have deemed it dishonourable—that is, inconsistent with my notions of honour—to lend my yacht and crew for the purpose of rescuing those brave men from drowning only to hand them over to their enemies for imprisonment, ill-treatment, and perhaps execution. One of your correspondents opens a letter by expressing a desire to bring to the notice of the yacht clubs of England the conduct of the commander of the "Deerhound," which followed the engagement of the "Alabama" and "Kearsarge." Now that my conduct has been impugned I am equally wishful that it should come under the notice of the yacht clubs of England, and I am quite willing to leave the point of "honour" to be decided by my brother yachtsmen, and, indeed, by any tribunal of gentlemen. As to my legal right to take away Captain Semmes and his friends, I have been educated in the belief that an English ship is English territory, and I am therefore unable even now to discover why I was more bound to surrender the people of the "Alabama" whom I had on board my yacht than the owner of a garden on the south coast of England would have been if they had swum to such a place and landed there, or than the Mayor of Southampton was when they were lodging in that city, or than the British Government is now that it is known that they are somewhere in England.

Your other correspondent says that Captain Winslow declares that "the reason he did not pursue the "Deerhound" or fire into her was that he could not believe at the time that any one carrying the flag of the Royal Yacht Squadron could act so dishonourable a part as to carry off the prisoners whom he had requested him to save from feelings of humanity." I was not aware then, and I am not aware now, that the men whom I saved were or ever had been his prisoners. Whether any of the circumstances which had preceded the sinking of the "Alabama" constituted them prisoners was a question that never came under my consideration, and one which I am not disposed to discuss even now. I can only say that it is new doctrine to me, than when one ship sinks another in warfare the crew of the sunken ship are debarred from swimming for their lives and seeking refuge wherever they can find it, and it is a doctrine which I shall not accept unless backed by better authority than that of the master of the "Kearsarge." What Captain Winslow's notion of humanity may be is a point beyond my knowledge, but I have good reason for believing that not many members of the Royal Yacht Squadron would, from "motives of humanity," have taken Captain Semmes from the water in order to give him up to the

tender mercies of Captain Winslow and his compatriots. Another reason for that hero's forbearance may be imagined in the reflection that such a performance as that of Captain Wilkes, who dragged two "enemies" or "rebels" from an English ship, would not bear repetition. Your anonymous correspondent further says that "Captain Winslow would now have all the officers and men of the 'Alabama' as prisoners had he not placed too much confidence in the honour of an Englishman who carried the flag of the Royal Yacht Squadron." This is a very questionable assertion; for why did Captain Winslow confide in that Englishman? Why did he implore his interference, calling out, "For God's sake, do what you can to save them?" I presume it was because he could not or would not save them himself. The fact is that if the Captain and crew of the "Alabama" had depended for safety altogether upon Captain Winslow, not one half of them would have been saved. He got quite as many off him as he could lay hold of time enough to deliver them from drowning.

I come now to the more definite charges advanced by your correspondents, and these I will soon dispose of.

They maintain that my yacht was in the harbour of Cherbourg for the purpose of assisting the "Alabama," and that her movements before the action prove that she attended her for the same object. My impression is that the yacht was in Cherbourg to suit my convenience and pleasure, and I am quite sure that when there I neither did nor intended to do anything to serve the "Alabama." We steamed out on Sunday morning to see the engagement, and the resolution to do so was the result of a family council whereat the question "to go out" or "not to go out" was duly discussed, and the decision in the affirmative was carried by the juveniles rather against the wish of both myself and my wife. Had I contemplated taking any part in the movements of the "Alabama," I do not think I should have been accompanied with my wife and several young children.

One of your correspondents, however, says that he knows that the "Deerhound" did assist the "Alabama," and if he does know this he knows more than I do. As to the movements of the "Deerhound" before the action, all the movements with which I was acquainted were for the objects of enjoying the summer morning, and getting a good and safe place from which to watch the engagement.

Another of your correspondents declares that since the affair it has been discovered that the "Deerhound" was a consort of the "Alabama," and on the night before had received many valuable articles for safe keeping from that vessel. This is simply untrue. Before the engagement neither I nor any of my family had any knowledge of or communication with either Captain Semmes, any of his officers, or any of his crew. Since the fight I have inquired from my captain whether he or any of my crew had had any communication with the captain or crew of the "Alabama" prior to meeting them on the "Deerhound" after the engagement, and his answer, given in the most emphatic manner, has been, "None whatever."

As to the deposit of chronometers and other valuable articles, the whole story is a myth. Nothing was brought from the "Alabama" to the "Deerhound," and I never heard of the tale till I saw it in an extract from your own columns. After the fight was over, the drowning men picked up, and the "Deerhound" steaming away to Southampton, some of the officers who had been saved began to express their acknowledgments for my services, and my reply to them, which was addressed to all who stood around, was:—"Gentlemen, you have no need to give me any special thanks. I should have done exactly the same for the other people if they had needed it." This speech would have been a needless, and indeed an absurd piece of hypocrisy, if there had been any league or alliance between the "Alabama" and the "Deerhound."

Both your correspondents agree in maintaining that Captain Semmes and such of his crew as were taken away by the "Deerhound" are bound in honour to consider themselves still as prisoners, and to render themselves to their lawful captors as soon as practicable.

This is a point which I have nothing to do with, and therefore I shall not discuss it. My object in this letter is merely to vindicate my conduct from misrepresentation; and I trust that in aiming at this I have not transgressed any of your rules of correspondence, and shall therefore be entitled to a place in your columns.

I am, &c.

(Signed) JOHN LANCASTER.

No. 6.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, July 8, 1864.

WITH reference to my letter of the 27th ultimo, in which I stated that I should transmit to the owner of the "Deerhound" a copy of your letter of the 25th ultimo, I have the honour to inclose a copy of a letter from Mr. Edmund Clarke,* who, in Mr. Lancaster's absence in Norway, acknowledged the receipt of my communication.

I am, &c.

(Signed) RUSSELL.

No. 7.

Mr. Lancaster to Earl Russell.—(Received July 18.)

My Lord,

Hindley Hall, Wigan, July 16, 1864.

ON my return here on Wednesday last, after a visit to Norway, I received your Lordship's note of the 27th ultimo, together with copies of a note and its inclosures from the United States' Minister at the Court of Her Majesty, complaining of the course pursued by me in aiding the escape of a portion of the crew of the "Alabama," who it is alleged had surrendered themselves as prisoners of war to the United States' ship "Kearsarge."

In dealing with this complaint I shall not trouble your Lordship with any remarks on the questions of maritime and international law which have arisen out of the circumstances connected with the sinking of the Confederate ship the "Alabama," but I shall confine myself to a succinct but complete narrative of those proceedings in which I was personally concerned.

I am, as your Lordship has been informed, the owner of the yacht "Deerhound," and a member of the Royal Yacht Squadron. On the 7th June last my family, that is to say, my wife, my four children, and my niece, embarked on board the yacht, and sailed from Southampton with the view of cruising for about a fortnight around some of the Channel Islands, and beside the coast of France. Business engagements prevented me accompanying them, but I joined them at Guernsey on Saturday June 11th. On the same day we sailed for Jersey, in the neighbourhood of which island we remained until the following Thursday, June 16th. On the morning of that day we left St. Heliers for St. Malo, arriving there at 8 A. M. We detained the yacht in the harbour of St. Malo, and in the night slept therein. On the following morning (Friday), we left the yacht, ordering it to proceed to Cherbourg while we had a run into the interior. Early in the day we started by rail to Le Mans, and there stopped all night. Next morning (Saturday), we pushed on for Caen, and after refreshment and sight-seeing there we proceeded to Cherbourg, at which place we arrived about 10 o'clock at night. Prior to this time I had never seen Captain Semmes, nor had I had any communication, direct or indirect, with any person connected with the "Alabama," and it will I think be admitted that at 10 o'clock on Saturday night it was too late to settle the terms of an alliance between my yacht and the Confederate vessel for operations on Sunday morning. It is true that the "Deerhound" lay in Cherbourg during Friday night and Saturday; but my captain assures me that there was no intercourse during that time between him and Captain Semmes, or any body acting on behalf of that Confederate officer. So far from the "Deerhound" being, as has been alleged, the consort of the "Alabama," there was no connection whatever between the two vessels, and the officers and crew of the one were strangers to the officers and crew of the other.

Soon after we arrived on board the yacht on Saturday night we heard the rumour that there was to be an engagement between the "Alabama" and the "Kearsarge" on the following morning, and the question came up for discussion in our family circle whether the "Deerhound" should put out to sea and take up a position where we could with safety witness something of the engagement between the two hostile ships; and as the juveniles were nearly all one way the question was decided in the affirmative rather against the wish of both myself and my wife. Accordingly at 9 o'clock in the morning we steamed out of Cherbourg harbour to enjoy the summer breeze, and, if feasible, to see the great fight. That I did not propose to succour the "Alabama" in any way is manifest from the fact that I took my wife and family with me to participate in my movements and share my perils should I be exposed to any. At half-past 10 o'clock we saw the "Alabama" steaming out of the harbour towards the Federal vessel "Kearsarge," and twenty minutes after-

* No. 5.

wards the action commenced. At half-past 12 o'clock we observed the "Alabama" to be disabled, and in a sinking state; and as I saw that no boats were being lowered from the "Kearsarge" to save the crew of the sinking ship, it occurred to me that the "Kearsarge" also must be disabled, and that her crew must be unable to help the people of the "Alabama." Under this impression I felt it my duty to make towards the "Kearsarge" in order to offer assistance, and when within hail of that vessel I called out and asked whether I could afford them any help, and the answer was "No, but for God's sake do what you can to save them!" We immediately pushed towards the "Alabama," and when within a distance of 200 yards, she sank. This occurred at 12.50. We then lowered our two boats, and with the assistance of the "Alabama's" whale-boat and dingy, succeeded in saving about forty men, including Captain Semmes and thirteen officers. At 1 P. M. we steered for Southampton.

I acknowledge, my Lord, that in leaving the scene of action so quickly I was animated with a wish to save from captivity Captain Semmes and the others whom we had rescued from drowning; but I should have done the same for the people of the "Kearsarge" if they had been placed in similar jeopardy. I am charged with having aided in the escape of men who "had surrendered themselves prisoners of war," but I did not know at the time that they had so surrendered. Whether, under the circumstances, they could be justly considered "prisoners of war," is a question which I will not presume now to discuss, inasmuch as it is not necessary for my justification. At the time when I rescued Captain Semmes and others from the water I had the warrant for so doing in the request from the Captain of the "Kearsarge" that I would render them assistance. That request was not accompanied with any condition or stipulation, and therefore, having got as many of the drowning men on board as I could reach, I was not conscious of being under any obligation to consult the captain of the "Kearsarge" as to their disposal, and I took them as soon as possible to Southampton in compliance with their own earnest entreaties.

I trust, my Lord, that this simple narrative will be sufficient to disprove the allegation of complicity or alliance between the Confederate ship the "Alabama" and my yacht the "Deerhound," and to show that in rescuing Captain Semmes and others from drowning I had the warrant of the captain of the "Kearsarge," and that in taking them to Southampton I was actuated only by motives of humanity.

I am, &c.
(Signed) JOHN LANCASTER.

No. 8.

Lord Lyons to Earl Russell.—(Received July 21.)

My Lord,

Washington, July 8, 1864.

I HAVE the honour to inclose an extract from a newspaper containing copies of official reports received by the Secretary of the Navy from Captain Winslow of the engagement between the "Kearsarge" and the "Alabama" off Cherbourg.

I have, &c.
(Signed) LYONS.

Inclosure in No. 8.

Extract from the "National Intelligencer" of July 8, 1864.

THE DESTRUCTION OF THE "ALABAMA." OFFICIAL REPORTS.—THE Secretary of the Navy has received from Captain Winslow, of the United States' steamer "Kearsarge," the following official report of the engagement of that ship with the Confederate steamer "Alabama," and its results:—

"Sir,

"'Kearsarge,' Cherbourg, France, June 19, 1864.

"I have the honour to inform the Department that the day subsequent to the arrival of the 'Kearsarge' off this port, on the 14th instant, I received a note from Captain Semmes, begging that the 'Kearsarge' would not depart, as he intended to fight her, and would not delay her but a day or two.

"According to this notice the 'Alabama' left the port of Cherbourg this morning at about 9.30 o'clock. At 10.20 A. M. we discovered her steering stowards us. Fearing the question of jurisdiction might arise, we steamed to sea until a distance of six or seven

miles was attained from the Cherbourg breakwater, when we rounded-to and commenced steaming for the 'Alabama.' As we approached her, within about 1,200 yards, she opened fire, we receiving two or three broadsides before a shot was returned. The action continued, the respective steamers making a circle round and round, at a distance of about 900 yards from each other.

"At the expiration of an hour the 'Alabama' struck, going down in about twenty minutes afterwards, and carrying many persons with her.

"It affords me great satisfaction to announce to the Department that every officer and man did their duty, exhibiting a degree of coolness and fortitude which gave great promise at the outset of certain victory.

"Hon. Gideon Welles,
"Secretary of the Navy."

"I have, &c.
(Signed) "J. A. WINSLOW.

"Sir,

"'Kearsarge,' Cherbourg, France, June 20, 1864.

"I inclose herewith the Surgeon's report of the casualties on board this vessel in the late action with the 'Alabama.' Although we received some twenty-five or thirty shots, twelve or thirteen taking effect in the hull, by the mercy of God we have been spared the loss of life; whereas in the case of the 'Alabama,' the carnage, I learn, was dreadful.

"The ships were about equal in match, the tonnage being the same; the 'Alabama' carrying one 100-pounder rifle, with one heavy 68-pounder and six broadside 32-pounders; and the 'Kearsarge' carrying four broadside 32-pounders, two 12-inch and one 28-pounder rifle—one gun less than the 'Alabama.'

"The only shot which I fear will give any trouble is the 100-pounder rifle, which entered our stern-post, and remains at present unexploded.

"It would seem almost invidious to particularize the conduct of any one man or officer in an action in which all had done their duty with a fortitude and coolness which cannot be too highly praised; but I feel it due to my executive officer, Lieutenant-Commander Thornton, who superintended the workings of the battery, to particularly mention him for an example of coolness and encouragement of the men while fighting, which contributed much towards the success of the action.

"Very respectfully, &c.
(Signed) "J. A. WINSLOW.

"Hon. Gideon Welles,
"Secretary of the Navy."

"Sir,

"'Kearsarge,' Cherbourg, France, June 19, 1864.

"I report the following casualties from the engagement this morning with the 'Alabama':—

"John W. Dempsey, quarter-gunner, compound fracture of right arm; arm amputated.

"William Gowin, ordinary seaman, compound fracture of left thigh and leg, seriously.

"James Macbeth, ordinary seaman, compound fracture of left leg; seriously wounded.

"Very respectfully,
(Signed) "JOHN W. BROWNE, Surgeon.

"Captain John A. Winslow,
"Commanding United States' steamer 'Kearsarge.'"

No. 9.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, July 26, 1864.

WITH reference to my letter of the 8th instant, I have now the honour to transmit to you a copy of a letter which I have received from Mr. Lancaster,* containing his answer to the representations contained in your letter of the 25th ultimo, with regard to the course pursued by him in rescuing Captain Semmes and others, on the occasion of the sinking of the "Alabama," and I have the honour to inform you that I do not think it necessary to take any further steps in the matter.

I am, &c.
(Signed) RUSSELL.

Mr. Adams to Earl Russell.—(Received September 7.)

Sir,

Legation of the United States, London, September 6, 1864.

I HAVE hitherto delayed to acknowledge the reception of the several notes I have had the honour to receive from your Lordship of the 27th of June, the 8th and 20th of July, in reply to mine of the 25th of June, on the subject of the interference of the owner of the yacht "Deerhound," from a desire that the Government which I have the honour to represent should be enabled, before instructing me to act, to gain as complete information of the facts in the case as possible. It is not until very lately that I have been placed in full possession of its views, after a full consideration of the evidence connected with that transaction. I shall now proceed to submit the substance of them to your Lordship's consideration.

To the better understanding of the case, I trust I may be pardoned if I recall your attention to the position heretofore taken by my Government in regard to the vessel originally known as the gun-boat "No. 290," and latterly the "Alabama."

The circumstances attending the construction, outfit, armament, manning, and navigation of that vessel are too well known, and have been too fully exposed in the correspondence which I have heretofore had the honour to conduct with your Lordship, to need to be further dwelt upon.

I am instructed to say that, in view of all these, my Government adheres to its previous declarations, and does not recognize the "Alabama" as a ship of war of a lawful belligerent Power.

In connection with this point, and to guard against injurious inferences, it is proper for me to add that the proceeding of Captain Winslow in paroling and discharging the men who fell into his hands, has been formally disapproved.

Your Lordship will now permit me to call your attention to the statement made by me in my former note. It was in substance this:—That whilst engaged in a successful effort to destroy this piratical vessel, and to capture her crew, the owner of a British vessel belonging to the Royal Yacht Association, being a spectator, so far interposed his aid as to effect the escape of certain members of the crew well known to be the chief agents in the navigation of that vessel, and most bitter enemies of the people of the United States.

I regret to be compelled, after a survey of all the evidence since produced, to repeat this allegation, and to superadd another, which appears still more grave, to wit, that this was done by him in connivance with the very officer and boat's crew of the "Alabama" who had first been sent to the Commander of the "Kearsarge" for the purpose of surrendering them all as prisoners of war. Neither does it relieve this transaction of any of its gravity to know that the officer commanding that boat was himself a British subject.

Your Lordship is pleased to remark, in your note of the 27th of June, concerning this act of the owner of the "Deerhound," that he appears to have performed only a common duty of humanity in saving from the waves the captain and several of the crew of the "Alabama," who would otherwise have been drowned, and thus would never have been in the situation of prisoners of war.

Unfortunately for this hypothesis, it does not appear that the owner of the "Deerhound" did rescue the principal persons from drowning. The only individual whose safety he appears to have taken pains to secure was Captain Semmes. The evidence seems to show that much the greater proportion were rescued by the commanders and crews of the enemy's three boats, the principal one of which had been sent to the "Kearsarge" to make a surrender and to ask for aid to rescue them. It further appears that after authority had been given to perform this common duty of humanity, great efforts were made to select the chief enemies of the United States and transfer them, not in accordance with the obligation originally incurred, to the "Kearsarge," but to the hands of the owner of the "Deerhound," another British subject, who had likewise been asked to assist, but who, instead of labouring further in the cause of humanity, hastened at once on the reception of these obnoxious persons, paying no further regard to the larger number of his own countrymen still left struggling with the waves, to place them where he believed they would be beyond the reach of recovery by the victor.

But I must pray permission to go further and to question your Lordship's proposition that a third party professing to be neutral performs a common duty of humanity in interposing in a struggle between combatants to save those only of one side. On the contrary, so far as he may be successful, he appears to make himself a party to a continuance of strife and bloodshed. The men engaged in the "Alabama" were all acting in deadly hostility to the people of the United States. They were either prisoners or desperately pursued by the "Kearsarge." If they had perished the latter would have had the

advantage of a lawful destruction of so many enemies. If they had been rescued by the "Kearsarge" with or without the aid of the "Deerhound," then the surrender of those persons already made would have been perfected, and they would have been prisoners. In neither case would they have remained hostile combatants. The "Deerhound," by conniving at the escape of these men, and furnishing the necessary means to it by carrying them within a foreign jurisdiction, deprived the United States to a corresponding extent of the fruits of a long and costly pursuit and successful battle.

It is not herein pretended that it is any part of the duty of a neutral to assist in making captures for a belligerent. It is, nevertheless, as confidently affirmed that, instead of neutrality, it is direct hostility for a neutral to interpose in a battle so far as to rescue men of one side who have been driven to surrender, and then convey them away surreptitiously from under the guns of the victor, thereafter to resume their hostility just as if they had never been overcome.

The irritation naturally created by such a proceeding in any case is much more aggravated when it comes to be considered that this vessel was built, armed, manned, and equipped in the ports of the neutral country to which the "Deerhound" itself belongs, that her departure and subsequent depredations are the consequence of a failure to perform a recognized duty of prevention, and that the harbouring of these persons after a rescue so made is only likely to terminate in efforts to renew these offensive acts from the same country in which the wrong was first committed.

In view of all these circumstances I regret to be compelled to communicate to your Lordship the expression of the President's surprise that Her Majesty's Government does not find in the proceedings of the owner of the "Deerhound" cause of severe censure or regret. And this is the more sensibly felt that that person has not hesitated to avow in his own letter that he was actuated by a desire to withdraw these enemies of the United States from the power of their conquering vessel.

I am, however, directed to say that my Government does not for a moment believe that any of the proceedings referred to, whether relating to the chief wrong-doer commanding the hostile vessel, to the yacht "Deerhound," or to those British subjects who have not scrupled either publicly to declare their sympathy with or privately to aid and abet the violators of Her Majesty's neutrality, are viewed with any other sentiments than those of regret and disappointment by the members of Her Majesty's Government.

Nevertheless, it appears to be a solemn obligation of my Government, in view of all the grave consequences of such a proceeding, to sum up the conclusions to which, from a full consideration of the facts, it has now arrived.

1. The incidents as heretofore explained confirm the soundness of the opinion previously insisted upon, that the "Alabama" is justly to be regarded as to have attained at no point of time any other national character than that which may have attached to it from its construction, outfit, equipment, armament, and manning by British subjects out of British ports.

2. That the persons who escaped from this vessel, thus fitted out by British subjects engaged in making unlawful war against the United States, after voluntary surrender as prisoners of war, by reason of the unlawful intervention of the Commander of the British yacht "Deerhound," and the conveyance of them within the jurisdiction of Great Britain, ought to be delivered up to the United States.

3. That the continuance of these persons to receive from any British authorities or subjects pecuniary assistance or supplies, or the regular payment of wages for the purpose of more effectually carrying on hostile operations from this kingdom as a base, is a grievance against which it is my duty to remonstrate, and for which to ask a remedy in their conviction and punishment.

4. The occasion has been thought to warrant a direction to me to ask with earnestness of Her Majesty's Government that it should adopt such measures as may be effective to prevent the preparation, equipment, and outfit of any further naval expedition from British shores to make war against the United States.

In making these representations, I am instructed to assure your Lordship that the President is far from seeking causes of offence on the part of Great Britain. But he is charged with the duty of maintaining the belligerent rights of the United States on the high seas, as they are recognized by the law of nations, against all lawless combination and resistance. He therefore trusts that Her Majesty's Government will consider the subject in a just and candid spirit, and himself as asking from it in this case, only what, if the situation of the parties were reversed, would have been conceded to any similar request based on equally cogent considerations.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

No. 11.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 12, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 6th instant, respecting the case of the "Alabama," and the proceedings, on the occasion of the sinking of that vessel, of the owner of the "Deerhound;" and I have to inform you that your communication will receive a reply as soon as it can be prepared.

I am, &c.

(Signed) RUSSELL.

No. 12.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 26, 1864.

I HAVE to acknowledge the receipt of your letter of the 6th of this month upon the subject of the officers and men belonging to the "Alabama" who were saved by the owner of the "Deerhound" yacht from drowning, and were afterwards landed at Southampton. It is not my intention in replying to that letter to repeat arguments already exhausted, or to refer to observations already made. It seems to be sufficient that I should state to you the conclusions at which Her Majesty's Government have arrived, and which differ from those which your Government have come to from the same facts.

In the first place, it is undoubtedly true that the "Alabama" was partly fitted out in a British port. But as soon as evidence was obtained that acts had been committed with regard to that vessel in violation of a British statute, orders were sent to seize her; she, however, escaped from British waters in a state of half equipment under a fraudulent pretence of making a trial trip. Her equipment was afterwards completed in a foreign port, neither British nor American, and a commission from the so-styled Confederate Government was there delivered to Captain Semmes, her commander, himself an American citizen.

2ndly. I have to state that it appears to Her Majesty's Government that the commander of the private British yacht the "Deerhound" in saving from drowning some of the officers and crew of the "Alabama" after that vessel had sunk performed a praiseworthy act of humanity, to which, moreover, he had been exhorted by the officer commanding the "Kearsarge," to which vessel the "Deerhound" had in the first instance gone in order to offer to the "Kearsarge" any assistance which, after her action with the "Alabama," she might stand in need of; and it appears further to Her Majesty's Government that under all the circumstances of the case Mr. Lancaster was not under any obligation to deliver to the captain of the "Kearsarge" the officers and men whom he had rescued from the waves.

But however that may be, with regard to the demand made by you, by instructions from your Government, that those officers and men should now be delivered up to the Government of the United States as being escaped prisoners of war, Her Majesty's Government would beg to observe that there is no obligation by international law which can bind the Government of a neutral State to deliver up to a belligerent prisoners of war who may have escaped from the power of such belligerent and may have taken refuge within the territory of such neutral. Therefore, even if Her Majesty's Government had any power by law to comply with the abovementioned demand, Her Majesty's Government could not do so without being guilty of a violation of the duties of hospitality.

In point of fact, however, Her Majesty's Government have no lawful power to arrest and deliver up the persons in question. They have been guilty of no offence against the laws of England, and they have committed no act which could bring them within the provisions of the Treaty between Great Britain and the United States for the mutual surrender of offenders, and Her Majesty's Government are therefore entirely without any legal means by which, even if they wished to do so, they could comply with your above mentioned demand.

3rdly. With regard to the statement made to the United States Government that British authorities afford pecuniary assistance or supplies, or furnish regular payment of wages to persons forming the crew of the "Alabama," for the purpose of enabling them more effectually to carry on hostile operations against the United States, I have to say that Her Majesty's Government have no knowledge whatever of any such circumstances, and do not believe that there is any foundation for such statements. Private individuals may

very possibly have contributed to relieve the necessities of the persons in question, but with the pecuniary contributions of private individuals Her Majesty's Government have no power to interfere.

I beg further to assure you that Her Majesty's Government have adopted, and will continue to adopt to the utmost of their lawful power, such measures as may be effective to prevent the preparation, equipment, and outfit of any naval expedition from British shores to make war against the United States.

The detention and seizure of the Birkenhead ironclads, and the discussions in Parliament on that subject, suffice to show that if complete prevention in this respect has not been attained, all that the Government of this free country can do to stop such expeditions has been fully performed.

Lastly, in expressing the regret of Her Majesty's Government that they should find themselves unable to comply with any application which the Government of the United States may have thought themselves entitled to make, I cannot refrain from observing that Her Majesty's Government have been far more successful in preventing breaches of neutrality with regard to the fitting out of cruisers to take part in the civil war in North America than the Government of the United States were in preventing the fitting out of ships of war to aid the South American Republics in their revolt against Spain, which Power then stood in the position of a central authority resisting insurrection.

I am, &c.
(Signed) RUSSELL.

No. 13.

Mr. Adams to Earl Russell.—(Received September 28.)

My Lord,

Legation of the United States, London, September 27, 1864.

I HAVE the honour to acknowledge the reception of your note of the 26th instant, communicating to me the conclusions at which Her Majesty's Government have arrived on the representations which I submitted on the 6th instant, under special instructions, respecting the proceedings of the owner of the yacht "Deerhound," and the collateral questions involved therein.

Regretting to perceive so wide a divergency in the views taken by the two Governments of a subject involving grave principles of law, not less than important rules of international comity, I shall not venture upon the consideration of the contents of your Lordship's note in advance of their passing under the examination of my Government. Meanwhile I shall avail myself of the earliest opportunity to transmit the paper to the United States, and await the return of further instructions.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 14.

Mr. Adams to Earl Russell.—(Received November 11.)

My Lord,

Legation of the United States, London, November 10, 1864.

IN regard to the note of the 26th of September last which your Lordship did me the honour to address to me, I now ask permission to make only two observations, preliminary to communicating to you the final instructions of my Government.

Your Lordship is pleased to remark that Her Majesty's Government consider the act of the Commander of the "Deerhound" in interposing to save from drowning Captain Semmes and other officers and men of the "Alabama" as a praiseworthy act of humanity, and, further, that any proposal to restore them to the hands of the victors in the struggle after they had reached the limits of this kingdom as a refuge could be viewed only as involving a violation of the duties of hospitality, of which that Government would not be guilty.

I beg leave to recall your Lordship's attention to the original allegation in my note, which was to the effect that Captain Semmes and his companions, after being saved from drowning by the intervention of a British subject, did not reach the limits of this Kingdom as a refugee claiming the right of hospitality, so much as in the position of a belligerent determined to make his escape from capture or death to a neutral territory useful to himself and his cause by initiating further hostile proceedings against his enemy in the

very place where he claimed hospitality. I have the strongest reasons for believing that the time which has passed whilst I have had the honour to conduct this correspondence with your Lordship has been spent by the enemies of the United States, British and native-born, in fitting out another vessel from this kingdom to do the same sort of piratical work which the "Alabama" did until she was sent to the bottom, which vessel has sailed from here to an agreed place on the ocean where the same sort of equipment and armament which was placed on the "Alabama" has been placed on board of her by another British vessel sent from this kingdom for the purpose, and where were transferred Captain Semmes and his companions, the persons saved by the alleged humanity of Mr. Lancaster, for the ultimate object of continuing a war of destruction of life and property against the people of the United States. Whether I am correct or not in these statements, as yet founded only on information of a private character, time will not be long in establishing. Should I prove to be so, your Lordship will, perhaps, pardon me if I persist in maintaining the opinion that neither was the act of Mr. Lancaster in saving Captain Semmes from capture humane, nor is the act of Her Majesty's Government in protecting him to be viewed as wholly within the limits of that sort of hospitality which it would value in any other nation if practised towards the people of Great Britain.

Your Lordship is pleased further to observe, towards the close of your note, that Her Majesty's Government have been far more successful in preventing breaches of neutrality with regard to the fitting out of cruisers in this war than the Government of the United States were in preventing the fitting out of ships to aid the South American Republics in their revolt against Spain.

Were it expedient at this late day to enter upon an examination of the relative merit of the two Governments in two very widely different stages of their condition, in acquitting themselves of their obligations of neutrality under circumstances of difficulty, I am not aware that any result which might be arrived at would have an effect in materially varying the views that should be taken of the shortcomings of either. Very fortunately, I am saved the necessity of further discussion of it, by pointing out to your Lordship a circumstance which seems to have entirely escaped your attention. Whatever may have been the deficiencies of the United States in the instance alluded to, compensation therefor has been made to Spain, and her full and free release has been given under the sanction of her hand to a solemn Treaty. Whenever Her Majesty's Government shall acknowledge itself prepared to perfect the parallel instance, the example may be cited against the United States, but not until then.

I have now the honour to inform your Lordship that, after a careful consideration of your note of the 26th of September, my Government thinks itself entitled to adhere to the several positions it has heretore assumed in regard to the painful transaction in question, as these have been made known through me to Her Majesty's Government. I am further directed to express to you the President's concern at the failure thus far of the efforts that have been made to avert a misunderstanding between the two countries upon a point which the American people have come to regard as seriously affecting their national honour and dignity.

Praying, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 15.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, November 29, 1864.

IN acknowledging your letter of the 10th instant, I have no wish to prolong the controversy between us on the topic of the "Deerhound," and the rescue of Captain Semmes and other persons from drowning. On the general subject I refer you to the despatch which I have addressed to Lord Lyons, and of which I have had the honour to send you a copy in my note of this day.*

There are, however, two points to which I wish to call your attention.

The first is that you have omitted to notice the gist of my answer to your complaint.

The question is not so much whether the act of the Commander of the "Deerhound" in interposing to save from drowning Captain Semmes and other officers and men of the "Alabama" was "a praiseworthy act of humanity," and whether any proposal to restore them to the hands of the victors in the struggle after they had reached the limits of this kingdom could be viewed only "as a violation of the duties of hospitality,"—these consi-

* See North America (No. 1), 1865, p. 25.

derations, I say, are not so much at issue as the question, what is the legal obligation with regard to these matters of Her Majesty's Government towards the United States? On this question I affirmed:—

1. That the municipal law of this kingdom gave the Government no power or authority to deliver up to the United States Captain Semmes, his officers and men.

2. That the law of nations does not impose upon the Government of the United Kingdom the duty of delivering up to the United States persons in the condition of Captain Semmes, and such of his officers and men as had taken refuge in this kingdom.

The next point regards the differences between the United States and Spain to which I referred. I do not wish to go fully into it now, although I may hereafter do so in correspondence with the Government of the United States. I will only point out at present the nature of the complaint made by the Spanish Minister in 1818, and the tenor of the principal Article of Treaty by which the differences between Spain and the United States were adjusted.

Señor de Onís, the Spanish Minister at Washington, wrote, on the 16th of November, 1818, to the United States' Minister to the following effect:—

"Whatever may be the forecast, wisdom, and justice conspicuous in the laws of the United States, it is universally notorious that a system of pillage and aggression has been organized in several ports of the Union against the vessels and property of the Spanish nation," &c.

After a long negotiation the complaints of Spain were satisfied by a Treaty signed on the 22nd of February, 1819. Article IX of that Treaty states that "the High Contracting Parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be for ever maintained between them, reciprocally renounce all claim for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this Treaty."

Whether such a Treaty would furnish any elements for negotiation between our two Governments I am not prepared to affirm. But it can scarcely be said that this Treaty arrangement for the mutual abandonment of claims constituted a specific grant of compensation to Spain by the United States for injuries complained of by Spain.

I am, &c.

(Signed). RUSSELL.

No. 16.

Mr. Adams to Earl Russell.—(Received December 2.)

My Lord,

Legation of the United States, December 1, 1864.

I HAVE had the honour to receive your note of the 29th of November in reply to mine of the 10th of that month on the subject of the "Deerhound."

The reason why I omitted to enter into the discussion of the main points of your Lordship's note of the 26th of September, was that I had been directed by my Government to present the conclusion to which it had come from a full examination of them, which appeared to render further argument on my part superfluous; otherwise it would have given me great pleasure to examine the questions: 1st. How far the absence of statute law depending on volition can be urged in extenuation of the omission to fulfil the acknowledged obligations of international law; and 2nd. How far the acknowledgment of the right of asylum by a neutral Power is admitted by international law, to tolerate the harbouring of enemies, abusing that right for the purpose of more effectually injuring the people of a friendly nation. But I forbear because I have no authority to prolong the controversy, and I join with your Lordship in adding that I have no such desire.

With regard to your Lordship's notice of my reference to the Treaty of the United States with Spain as not sustaining the allegation contained in my notes which foreclosed all possibility of drawing the parallel between the action of the two nations which was attempted in your note of the 26th of September, I may only be permitted to repeat my surprise that the passage referred to should even yet have so completely escaped your Lordship's attention. Had you passed from the IXth Article, which you quote, to the Xth, which recapitulates the claims released and surrendered on each side, you would have found on the part of Spain an express renunciation of four classes of claims, the two last of which are in the following words:—

"3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

"4. To all claims of Spanish subjects upon the Government of the United States, arising from unlawful seizures at sea, or within the ports or territorial jurisdiction of the United States."

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 17.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, December 3, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant in reply to my letter of the 29th ultimo on the subject of the "Deerhound."

I am, &c.
(Signed) RUSSELL.

Correspondence arising out of the Conflict between
the "Kearsarge" and the "Alabama."

*Presented to the House of Commons by Command
of Her Majesty, in pursuance of their Address
dated May 19, 1865.*

NORTH AMERICA. No. 4. (1865.)

CORRESPONDENCE

WITH THE

UNITED STATES' GOVERNMENT

ON THE

CHANGE OF FORM

OF

CONSULAR EXEQUATURS.

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address of May 19, 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

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for—

“A Copy or Extracts of all the Correspondence between the United States’ Government and Her Majesty’s Government on the change of form of Consular Exequaturs adopted by the United States’ Government.”

No. 1.

Lord Lyons to Earl Russell.—(Received June 26.)

(Extract.)

Washington, June 14, 1864.

MR. SEWARD has said to me more than once lately that the question which has been raised by Mr. Bernal at Baltimore on the liability of British Consuls to be summoned as witnesses, as well as questions which have come before him respecting the privileges of Consuls of other Powers, have convinced him that it will be proper and indeed necessary, to modify the form of the exequatur granted to foreign Consuls in the United States.

The exequatur as now worded declares the Consul to whom it is granted “free to exercise such functions, powers, and privileges as are allowed to the Consuls of the most favoured nations.” The form has, Mr. Seward says, been used since the foundation of the Republic. It was not altered when special Consular Conventions were made with some Powers, but Mr. Seward maintains that it was never intended to confer upon the Consuls of Powers without Treaties the peculiar privileges conferred on the score of reciprocity by the special Consular Conventions.

Mr. Seward says that the wording of the exequatur gives a colour to claims by Consuls for rights and privileges to which they are not entitled, and which have, in fact, never been granted them. He desires to put an end to all doubt on the subject, and is, therefore, thinking of issuing a circular giving an authoritative interpretation of the old exequaturs, and of preparing a new form to be used in future.

I have observed to Mr. Seward that less difficulty would probably be occasioned by giving to all Consuls, as the words of the exequatur appear to do, the same rights; that the clearly defined position in which French Consuls are placed by the French Convention appears to me to be very advantageous for avoiding disputes in the present uncertain state of the law and administration in many parts of the country; that with the arbitrary powers now exercised by military officers, it will be very difficult to obtain proper respect and consideration for Consuls, unless some more distinct rule is laid down than that they are to be treated in accordance with international comity and usage. I have, in fact, said that in my opinion the present is a time in which it is particularly necessary, for the preservation of harmony and good feeling, that foreign Consuls shall be placed in a position which will secure their not being treated with discourtesy and disrespect.

Mr. Seward maintains, however, that the Executive Government cannot confer upon Consuls of foreign countries privileges which are not enjoyed by United States’ Consuls in those countries. It cannot give, and ought not in his opinion to give, to British Consuls at New York and New Orleans privileges which are not given to United States’ Consuls at Liverpool and Montreal.

I have not failed to point out to Mr. Seward that there is a considerable difference between the two cases. In Her Majesty’s dominions all Consuls are, I have said, treated alike; we do not give to the Consuls of some Powers privileges which we deny to others.

I doubt, however, whether I have made any impression on Mr. Seward, and I fear that the position of Her Majesty’s Consuls is by no means likely to be improved.

It will not, I trust, be practically less good than it is now, for, as your Lordship is aware, Her Majesty’s Consuls have never in fact enjoyed the special privileges granted by the United States to the Consuls of several other Powers by special Convention.

Mr. Adams to Earl Russell.—(Received July 30.)

My Lord,

Legation of the United States, London, July 30, 1864.

I AM directed by my Government to mention to your Lordship that their attention has been of late drawn to the precise language in the form of exequatur granted to Consuls of foreign States, which has been for some years in use in the United States, and to the risk of embarrassment which appears likely to ensue by further perseverance in the use of it, in the face of the numerous Treaty stipulations extending the limits of Consular jurisdiction which have been entered into in the interval since that form was adopted.

The form as it now stands would seem likely to lead the Consuls of those States with which the United States have not entered into any Treaty engagements, to believe that they could claim to enjoy the extraordinary privileges which have been secured to those of other States by virtue of special Conventions. Such a construction would not be just to the United States, inasmuch as their Consuls in other countries would not, and could not, think themselves entitled to claim any such special advantages in their turn in cases where no reciprocal obligation had been entered into by those countries to grant them.

In order to obviate all danger of misunderstanding for the future, I am instructed to apprise your Lordship that it is the intention of the President so far to modify the language of the exequaturs hereafter to be granted as to adapt it to the precise state of the existing Consular relations with other States, whether by Treaty or otherwise. In the case of the Consuls of Great Britain, with which country no material change by Treaty stipulations has been made since the year 1815, the form adopted in 1816 in the case of Mr. Anthony St. John Baker, will, in the event of new appointments, be resumed. The same form will be used towards the Consuls of all other States with which there are no special Treaty stipulations. In those cases where special Consular Conventions have been negotiated and signed, the form of exequatur will be adapted to the precise stipulations of each Treaty respectively.

Should it be the desire of Her Majesty's Government at any time to enter into negotiations for a reciprocal extension of special Consular privileges, I am instructed to inform your Lordship that my Government is prepared on its part cheerfully to respond to any overture.

I am further instructed to say that in the meanwhile all existing exequaturs will be continued, but will be continued with the limitations heretofore understood to exist on both sides. If, however, it be desired, those which have been issued may be returned and cancelled, whereupon new ones with accurate annotations will be substituted.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 2.

Form of Exequatur of 1816.

JAMES MADISON, President of the United States of America, to all whom it may concern.

Anthony St. John Baker, Esq., having produced to me his Commission as Consul-General of His Britannic Majesty within the United States, I do hereby recognize him as such, and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to the Consuls-General of such friendly Powers, between whom and the United States there is no particular agreement for the regulation of the Consular functions.

In testimony whereof, &c.

No. 3.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, August 6, 1864.

I HAVE had the honour to receive your letter of the 30th ultimo, in which you inform me that the attention of the United States' Government has been drawn to the precise language of the form of exequatur granted to Consuls of foreign States

which has been for some years in use in the United States, and to the risk of embarrassment which appears likely to ensue by further perseverance in the use of it, in the face of the numerous Treaty stipulations extending the limits of Consular jurisdiction which have been entered into in the interval since that form was adopted.

It is accordingly the intention of the United States' Government to modify the language of the exequaturs to be granted hereafter. In the case of Great Britain and of other States with which there are no special Treaty stipulations, the form to be henceforward adopted will be that of which you inclose a copy which was employed in the case of Mr. Anthony St. John Baker, in 1816. In those cases where special Consular Conventions have been negotiated and signed, the form of exequatur will be adapted to the precise stipulations of each Treaty respectively.

You add that should it be the desire of Her Majesty's Government at any time to enter into negotiations for a reciprocal extension of special Consular privileges, you are instructed to inform me that your Government is prepared on its part cheerfully to respond to any overture.

In reply to this communication I have the honour to request that you will be good enough to inform Her Majesty's Government of the nature of the various Consular Treaties and Conventions existing between the United States and foreign Powers, and their specific stipulations. Her Majesty's Government would then be in a position to judge whether they would negotiate any fresh Consular Convention, or be contented to remain in the position of a Power having no special Consular Convention with the United States.

I am, &c.
(Signed) RUSSELL.

No. 4.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, August 11, 1864.

I INCLOSE, for your information, copies of my correspondence with Mr. Adams respecting the intention of the United States' Government to modify the form of exequatur issued to Her Majesty's Consuls in the United States.*

I am, &c.
(Signed) RUSSELL.

No. 5.

Lord Lyons to Earl Russell.—(Received August 16.)

(Extract.)

Washington, August 1, 1864.

I HAVE the honour to inclose a copy, taken from a newspaper, of an exequatur dated the 26th ultimo, which has been granted by the President to a Consul appointed by the King of Hanover. Your Lordship will perceive that the form hitherto in use has been departed from, and that instead of declaring the Consul "free to exercise such functions, powers, and privileges as are allowed to the Consuls of the most favoured nations," this new exequatur merely declares him to be "free to exercise and enjoy such functions, powers, and privileges as are allowed to Consuls by the Law of Nations, or by the laws of the United States, and existing Treaty stipulations between the Governments of Hanover and the United States."

So far as Hanover is concerned the change of form is immaterial, for by the IXth Article of the Treaty between that Kingdom and the United States, signed at Hanover on the 10th of June, 1846, it is provided that the Consular Officers of each of the Contracting Parties shall enjoy the same privileges and powers as those of the most favoured nations. But if, as seems probable, it is intended by the United States' Government to use in future this new form of exequatur universally, the change will have a very important effect with regard to Great Britain, which is almost the only nation which has not made a Treaty with the United States, securing to its Consuls the powers and privileges granted to those of the most favoured nation. There can indeed be little doubt that the change has

* Nos. 2 and 3.

really been made entirely with reference to Great Britain, and that the immediate cause of it has been the question raised by the summons sent to Mr. Bernal, Her Majesty's Consul at Baltimore, to attend as a witness before a Military Commission on the trial of Mr. Richard Hall,

Having in the conversation reported to your Lordship in my despatch of the 14th June, represented to Mr. Seward the objections to making a change, I have had no hope that anything that I could do would increase the effect of those representations, and have deemed it prudent to wait for instructions and to avoid raising the question in the interval.

Inclosure in No. 5.

Extract from the "National Intelligencer" of July 29, 1864.

OFFICIAL.

ABRAHAM LINCOLN, President of the United States of America, to all whom it may concern.

Satisfactory evidence having been exhibited to me that Francis A. Hoffman has been appointed Consul for the kingdom of Hanover, at Chicago, I do hereby recognize him as such, and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to Consuls by the law of nations or by the laws of the United States, and existing Treaty stipulations between the Government of Hanover and the United States.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, the 26th day of July, A.D. 1864, and of the independence of the United States of America the eighty-ninth.

(Signed) ABRAHAM LINCOLN.

By the President:
(Signed) WILLIAM H. SEWARD, *Secretary of State.*

No. 6.

Mr. Adams to Earl Russell.—(Received August 19.)

My Lord, *Legation of the United States, London, August 18, 1864.*

I HAVE the honour to acknowledge the reception of your note of the 6th instant, in reply to mine of the 30th ultimo, apprising you of the change proposed by my Government to be made in the form of the exequatur to be granted to Consuls hereafter. Your Lordship does me the favour to ask information as to the nature of the various Consular Treaties and Conventions entered into by the United States and foreign Powers, and their specific stipulations, in order that Her Majesty's Government may be in a position to judge whether any such negotiation as I was directed to suggest would be expedient.

Without burdening your Lordship with a specification of the different Commercial Treaties that have been negotiated during the last half-century, I trust that I may meet the object of the inquiry by stating generally, that agreements have been made concerning salvage, the settlement of intestate estates, the inviolability of the Consular offices and archives, the exercise of judicial power in certain cases, the arrest, safe keeping and delivery of deserters and mutineers, taxation, exemption from military billeting, and various other matters, considerably enlarging the Consular powers and privileges as recognized under the general law of nations. If a more specific account be desired, I trust I may be pardoned for asking permission to refer your Lordship to a note in a work which I have every reason to believe to be very well known, and perfectly accessible in this country; I allude to the "Elements of International Law" by Mr. Wheaton. I have the honour to append a precise designation of the place where it may be found.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Memorandum.

See note (a.) to sec. 4, chap. ii, Part II, "Wheaton's Elements of International Law," pp. 167 to 174, sixth edition. Boston: Little, Brown, and Company, 1855.

Lord Lyons to Earl Russell.—(Received August 28.)

(Extract.)

Washington, August 12, 1864.

I HAVE the honour to transmit to your Lordship a copy, taken from a newspaper, of an exequatur granted by the President the day before yesterday to a Vice-Consul appointed by the Government of Sweden and Norway.

This exequatur is in the same form as that granted to a Hanoverian Consul, of which a copy was inclosed in my despatch of the 1st instant. For the "most favoured nation clause" is substituted in this exequatur also a clause allowing the Vice-Consul to exercise and enjoy such functions, powers, and privileges as are allowed to Vice-Consuls by the law of nations or by the laws of the United States and existing Treaty stipulations between the Government of Sweden and Norway and the United States.

I do not think that the Government of Sweden and Norway has any Treaty stipulation with the United States securing to its Consuls the treatment of Consuls of the most favoured nation; but the Treaty concluded by that Government with the United States at Stockholm on the 4th July, 1827, contains stipulations for large Consular privileges and immunities.

Inclosure in No. 7.

Extract from the "National Intelligencer" of August 12, 1864.

OFFICIAL.

ABRAHAM LINCOLN, President of the United States of America, to all whom it may concern.

Satisfactory evidence having been exhibited to me that Peter L. Hawkinson has been appointed Vice-Consul of the United Kingdoms of Sweden and Norway, at Chicago, I do hereby recognize him as such, and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to Vice-Consuls by the Law of Nations or by the laws of the United States, and existing Treaty stipulations between the Government of Sweden and Norway and the United States.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, the 10th day of August, A.D. 1864, and of the Independence of the United States of America the eighty-ninth.

(Signed) ABRAHAM LINCOLN.

By the President:

(Signed) WILLIAM H. SEWARD, *Secretary of State.*

No. 8.

Mr. Burnley to Earl Russell.—(Received October 8.)

(Extract.)

Washington, September 23, 1864.

I HAVE the honour to forward to your Lordship copies of a despatch and of its inclosures which I have received from Mr. Consul Bernal, relative to a demand on the part of Mr. Seward that he should at once send to him his commission and exequatur, in order that a new exequatur may be issued limiting his official functions to the exercise and enjoyment of such powers and privileges as shall be allowed in future to the Consular Representative of friendly Powers between whom and the United States there is no particular agreement for the regulation thereof.

I propose, should a direct application be made to me on the part of Mr. Seward, simply stating that until I receive specific instructions from Her Majesty's Government on this subject I must decline authorizing Mr. Consul Bernal to deliver up his exequatur.

Mr. Bernal has forwarded his commission to me, and I now hold it subject to your Lordship's directions.

I beg to inclose copy of my answer to Mr. Bernal's despatch.

Inclosure 1 in No. 8.

Consul Bernal to Mr. Burnley.

(Extract.)

Baltimore, September 22, 1864.

I HAVE the honour to inclose herewith copy of an official communication I have received from Mr. Seward, and of my reply thereto.

I likewise forward herewith the two documents referred to. From the tenor of Mr. Seward's note, I conclude that it is intended to deprive Her Majesty's Consuls of those privileges and immunities which long custom has given them in this country,—such as freedom from personal taxation, the right of being requested, and not summoned, to give evidence, &c.

Inclosure 2 in No. 8.

Mr. Seward to Consul Bernal.

Sir,

Department of State, Washington, September 19, 1864.

THE attention of the President having been drawn by recent events to the subject of Consular exequaturs, and to certain inconveniences which have attended the liberal practice, hitherto for many years pursued by the Government of the United States, of granting to Consular Representatives of all friendly nations equal prerogative with those to whom the same is assured by special Treaty or Convention, I have it in charge to request that you will transmit immediately to this Department the commission and exequatur from which you derive authority, in order that a new exequatur may be issued, limiting your official function to the exercise and enjoyment of such powers and privileges as shall be allowed in future to the Consular Representatives of friendly Powers between whom and the United States there is no particular agreement for the regulation thereof.

I am, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 3 in No. 8.

Consul Bernal to Mr. Seward.

Sir,

Baltimore, September 22, 1864.

I HAVE the honour to acknowledge the receipt of your official communication of the 19th instant, requesting me to transmit to your Department the "commission and exequatur" from which I "derive authority."

The "exequatur" having been received by me through Her Majesty's Legation at Washington, I shall transmit a copy of your communication by this day's mail to Her Majesty's Chargé d'Affaires, together with the documents referred to.

I am, &c.

(Signed) FREDERIC BERNAL.

Inclosure 4 in No. 8.

Mr. Burnley to Consul Bernal.

(Extract.)

Washington, September 23, 1864.

I HAVE to acknowledge the receipt of your despatch of the 22nd instant, and of its inclosures, relative to Mr. Seward's demand that you should deliver up your exequatur and commission, for the purpose of substituting a new instrument in its stead.

No instructions from Her Majesty's Government having as yet been received on this subject, I have only to authorize you to say, should any further correspondence ensue between Mr. Seward and yourself, that the question is in the hands of Her Majesty's Government, and that without orders from this Legation you cannot proceed further in the matter.

Your commission and exequatur I shall retain for the present.

No. 9.

Earl Russell to Mr. Burnley.

Sir,

Foreign Office, October 13, 1864.

I HAVE received your despatch of the 23rd ultimo respecting an application made by Mr. Seward and Mr. Consul Bernal to return his exequatur, in order that a fresh exequatur may be issued to him, by which his official functions would be limited to the exercise and enjoyment of such powers and privileges as shall be allowed in future to the Consuls of Powers between whom and the United States there exists no particular agreement on the subject. It appears further from your despatch that Mr. Bernal has forwarded to Her Majesty's Legation his commission and the exequatur which he has received from the United States' Government.

I have now to inform you that I am of opinion that if Mr. Seward should formally apply to you to return to him Mr. Bernal's exequatur you should do so, and you will, at the same time, state that Her Majesty's Government expect that the United States will grant to the Consuls of Her Majesty all the privileges which are enjoyed by United States' Consuls in the United Kingdom; and you will add that it does not appear to Her Majesty's Government to be necessary to make any new Convention upon the subject of Consuls.

I am, &c.

(Signed) RUSSELL.

No. 10.

Mr. Burnley to Earl Russell.—(Received October 30.)

My Lord,

Washington, October 14, 1864.

WITH reference to the summons of Mr. Seward to Her Majesty's Consuls to deliver up their commissions and exequaturs, I have been informed by Mr. Consul Archibald that the Russian, Prussian, Swedish, and Spanish Consuls have received a circular in every respect identical with the one addressed to our own Consuls.

They have all, it appears, acted in the same way as our own have done, and forwarded their commissions and exequaturs to their respective Ministers.

The Brazilian Consul, on the contrary, has, it appears, received a fresh exequatur, which Mr. Archibald had seen, but of which he was unable to obtain a copy in time for the messenger of to-day.

I hope to be able to send it to your Lordship by the next messenger on the 18th instant.

I have, &c.

(Signed) J. HUME BURNLEY.

No. 11.

Mr. Burnley to Earl Russell.—(Received October 30.)

My Lord,

Washington, October 18, 1864.

WITH reference to my despatch of the 14th instant, I have the honour to inclose copy of the exequatur which has been issued to the Consul-General of Brazil. Mr. Archibald informs me that the Austrian Consul-General has received a precisely similar exequatur.

The form would thus appear to be the same as the one issued to the Hanoverian Consul, a copy of which was inclosed in Lord Lyons' despatch of the 1st of August.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure in No. 11.

Exequatur issued to Louis F. d'Aguil, Consul-General of Brazil.

I DO hereby recognize him as such, and declare him free to exercise and enjoy such functions and privileges as are allowed to Consuls-General by the law of nations, or by the laws of the United States and existing Treaty stipulations between the Government of Brazil and the United States.

No. 12.

Earl Russell to Lord Lyons.

Sir,

Foreign Office, November 22, 1864.

HER Majesty's Government have had under their consideration your despatches relative to the withdrawal by the United States' Government of the exequaturs heretofore issued to Her Majesty's Consuls in the United States, and their intended replacement by a form of exequatur in which Her Majesty's Consuls will be merely declared free to exercise and enjoy such functions, honours, and privileges as are allowed to Consuls by the law of nations, or by the laws of the United States and existing Treaty stipulations between Her Majesty's Government and that of the United States, and the attention of Her Majesty's Government has been more particularly directed to the question whether it would be desirable or possible to enter into a Convention with the United States regulating the rights and privileges of the Consuls of Great Britain and the United States in the territories of the two countries respectively.

I have now to state to you that the conclusion at which Her Majesty's Government have arrived is, that the good results which might be expected to flow from such a Convention would not be commensurate with the difficulties which might be experienced in giving it practical effect in this country, and that Her Majesty's Government are consequently of opinion that it would not be desirable to negotiate any such Convention with the United States' Government.

Under these circumstances you will no longer interpose any objection to the cancelling of the exequaturs which have been called in by the United States' Government, and to the issue of fresh exequaturs to Her Majesty's Consuls in the simple form above specified.

I am, &c.
(Signed) RUSSELL.

No. 13.

Mr. Burnley to Earl Russell.—(Received December 23.)

My Lord,

Washington, December 9, 1864.

WITH reference to my despatch of the 23rd September, relative to the exequaturs of Her Majesty's Consuls, I have the honour to inclose copy of Mr. Seward's reply to the note which I addressed to him under the instructions contained in your Lordship's despatch of the 18th October.

Mr. Seward has now sent me the new forms with the one exception mentioned, and I have accordingly returned to each of Her Majesty's Consuls his exequatur and commission.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure in No. 13.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, December 3, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 1st instant, returning to this Department, in pursuance of instructions from Her Majesty's Principal Secretary of State, the exequaturs of Her Majesty's Consuls in the United

States, with the exception of that of the Consul at San Francisco, which had been received directly from the Consul, and informing me that you are desired at the same time to state that Her Majesty's Government expect that the United States will grant to the Consuls of Her Majesty all the privileges which are enjoyed by United States' Consuls in the United Kingdom, and further that it does not appear to Her Majesty's Government to be necessary to make any new Convention upon the subject of Consuls.

I have the honour, in compliance with your Lordship's request, to inclose a new exequatur for each of the following Consuls residing at the places named:— J. E. Wilkins, Esq., Chicago; E. M. Archibald, Esq., New York; D. Donohoe, Esq., Buffalo; C. E. K. Kortright, Esq., Philadelphia; H. J. Murray, Esq., Portland; F. Lousada, Esq., Boston; F. Bernal, Esq., Baltimore.

I have the honour to inform your Lordship, in reply to your note, that this Government will cheerfully accord to Her Majesty's Consuls in the United States all the privileges which are enjoyed by the Consuls of the United States in Her Majesty's dominions, and that it receives without objection the assurance communicated by your Lordship in regard to a Consular Convention.

I have, &c.

(Signed) WILLIAM H. SEWARD.

NORTH AMERICA.
No. 4. (1865.)

Correspondence with the United States' Government
on the Change of Form of Consular Exequatur.

*Presented to the House of Commons by Command
of Her Majesty, in pursuance of their Address
dated May 19, 1865.*

NORTH AMERICA. No. 5. (1865.)

CORRESPONDENCE

RESPECTING THE

ASSASSINATION

OF THE LATE

PRESIDENT OF THE UNITED STATES.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Assassination of the late President of the United States.

No. 1.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, April 28, 1865.

IT is impossible to describe the sentiments of horror and indignation which have been inspired by the sad intelligence from Washington. Her Majesty has directed me to express her sincere condolence with the families of the late President and of Mr. Seward under their present afflictions.

It is my duty to request that you will convey to the Government of the United States the assurance that the Government, the Parliament, and the nation are affected by a unanimous feeling of abhorrence of the criminals guilty of these cowardly and atrocious crimes, and sympathy for the Government and people of the United States, thus deprived of those to whom they looked for authority in administration and wisdom in council.

Notice has been given in both Houses of addresses to be moved by Ministers of the Crown, expressing, in a formal shape, the sentiments of sorrow and indignation felt by Parliament on this sad occasion.

I am, &c.

(Signed) RUSSELL.

P.S.—You are at liberty to give a copy of this despatch to Mr. Seward or the Acting Secretary of State.

R.

No. 2.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, May 6, 1865.

IN pursuance of the notice which, as I informed you in my despatch of the 28th ultimo, had been given by Her Majesty's Ministers in both Houses of Parliament, I moved in the House of Lords on Monday last the address to the Queen of which I send you a copy. The motion was seconded by Lord Derby, and agreed to, *nemine dissente*. In the absence of Viscount Palmerston, who, to his great regret was prevented by illness from being present on the occasion, Sir George Grey, Her Majesty's Principal Secretary of State for the Home Department, moved a similar address in the House of Commons, which motion was seconded by Mr. Disraeli, and was likewise unanimously agreed to.

The Queen has been pleased to return to both Houses the most gracious answer, of which I inclose a copy.

In giving a copy of this despatch and of its inclosures to the Acting Secretary of State of the United States, you will say to him that these addresses of the two Houses of Parliament express the sentiments of the whole British nation on the deplorable assassination of the late President of the United States.

I am, &c.

(Signed) RUSSELL.

Inclosure 1 in No. 2.

Address to the Queen.

Moved—THAT an humble Address be presented to Her Majesty to convey to Her Majesty the expression of the deep sorrow and indignation with which this House has learned the assassination of the President of the United States of America, and to pray Her Majesty that in communicating her own sentiments on this deplorable event to the Government of the United States, Her Majesty will also be graciously pleased to express on the part of this House their abhorrence of the crime, and their sympathy with the Government and people of the United States.

Inclosure 2 in No. 2.

Answer of Her Majesty to the above Address.

I ENTIRELY participate in the sentiments which you have expressed to me in the Address which I have received from you on the assassination of the President of the United States; and I have given directions that my Minister at Washington shall make known to the Government of that country the feelings which you entertain, in common with myself and my whole people, with regard to this deplorable event.

No. 3.

Sir F. Bruce to Earl Russell.—(Received June .)

My Lord,

Washington, May 20, 1865.

I HAVE placed in Mr. Hunter's hands a copy of your Lordship's despatch of the 28th ultimo, requesting me to convey to the Government of the United States the assurance that the British Government, Parliament, and nation are affected by a unanimous feeling of abhorrence of the criminals who assassinated the late President, and attempted the lives of the Secretary of State and of his son, and that they sympathize with the Government and people of the United States upon this mournful occasion.

Mr. Hunter in thanking me for this communication requested me to assure your Lordship of the lively feelings of satisfaction with which the Government and people of the United States would receive this mark of sympathy.

I have, &c.

(Signed) FREDERICK W. A. BRUCE.

No. 4.

Mr. Adams to Earl Russell.—(Received June 7.)

My Lord,

Legation of the United States, London, June 7, 1865.

I HAVE the honour to inform your Lordship that I have received from the Acting Secretary of State of the United States a despatch expressive of the grateful sentiments with which the communication made through Sir Frederick Bruce, of the sentiments of Her Majesty and of the Houses of Parliament on the late deplorable event in America, has been received by my Government.

In accordance with the directions therein contained, I have the honour to transmit to your Lordship a copy of that despatch.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 4.

Mr. Hunter to Mr. Adams.

Sir,

Department of State, Washington, May 22, 1865.

THE Honourable Sir Frederick W. A. Bruce has recently left with me a copy of a despatch of the 6th instant addressed to him by Earl Russell, transmitting a copy of an

address adopted in the House of Lords and in the House of Commons conveying to Her Majesty the Queen the expression of the deep sorrow and indignation with which those Houses had learned the assassination of the late President of the United States; and praying that Her Majesty, in communicating her own sentiments on this deplorable event to the Government of the United States, would also be graciously pleased to express on their part their abhorrence of the crime and their sympathy with the Government and people of the United States.

The despatch is also accompanied by a copy of the Queen's answer to the address, in which Her Majesty expressed her entire concurrence in the spirit thereof.

Sir Frederick Bruce, in giving me a copy of the communication, has informed me that those addresses of the two Houses of Parliament express the sentiments of the whole British nation on the deplorable event.

This communication, conveying to the Government and people of the United States such emphatic and earnest manifestations of friendship and sympathy from a great and kindred nation, is received with deep sensibility and grateful appreciation.

You will be so good as to make this known to the British Government, by leaving with Earl Russell a copy of this despatch.

I am, &c.

(Signed) W. HUNTER, *Acting Secretary.*

NORTH AMERICA.

No. 5. (1865.)

Correspondence respecting the Assassination of the
late President of the United States.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty.* 1865. *

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA. No. 6. (1865.)

CORRESPONDENCE

RESPECTING THE

CESSATION OF CIVIL WAR

IN

NORTH AMERICA.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Cessation of Civil War in North America.

No. 1.

*Earl Russell to the Lords Commissioners of the Admiralty.**

My Lords,

Foreign Office, June 2, 1865.

I HAVE the honour to state to your Lordships that since the date of my letter of the 11th ultimo intelligence has reached this country that the late President of the so-called Confederate States has been captured by the military forces of the United States, and has been transported as a prisoner to Fort Monroe, and that the armies hitherto kept in the field by the Confederate States have for the most part surrendered or dispersed.

In this posture of affairs Her Majesty's Government are of opinion that neutral nations cannot but consider the civil war in North America as at an end.

In conformity with this opinion Her Majesty's Government recognize that peace has been restored within the whole territory of which the United States of North America before the commencement of the civil war were in undisturbed possession.

As a necessary consequence of such recognition on the part of Her Majesty's Government, Her Majesty's several authorities in all ports, harbours, and waters belonging to Her Majesty, whether in the United Kingdom or beyond the seas, must henceforth refuse permission to any vessel of war carrying a Confederate flag to enter any such ports, harbours, and waters; and must require any Confederate vessels of war which, at the time when these orders reach Her Majesty's authorities in such ports, harbours, and waters may have already entered therein on the faith of Proclamations heretofore issued by Her Majesty, and which, having complied with the provisions of such Proclamations, may be actually within such ports, harbours, and waters, forthwith to depart from them.

But Her Majesty's Government consider that a due regard for national good faith and honour requires that Her Majesty's authorities should be instructed, as regards any such Confederate vessels so departing, that they should have the benefit of the prohibition heretofore enforced against pursuit of them within twenty-four hours by a cruiser of the United States lying at the time within any such ports, harbours, and waters, and that such prohibition should be then and for the last time maintained in their favour.

If, however, the Commander of any Confederate vessel of war which may be found in any port, harbour, or waters of Her Majesty's dominions at the time these new orders are received by Her Majesty's authorities, or may enter such port, harbour, or waters, within a month after these new orders are received, should wish to divest his vessel of her warlike character, and, after disarming her, to remain without a Confederate flag within British waters, Her Majesty's authorities may allow the Commander of such vessel to do so at his own risk in all respects, in which case he should be distinctly apprised that he is to expect no further protection from Her Majesty's Government, except such as he may be entitled to in the ordinary course of the administration of the law in time of peace.

The rule as to twenty-four hours would of course not be applicable to the case of such vessel.

I have addressed a similar letter to the Secretaries of State for the Home, Colonial, India, and War Offices, and also to the Lords Commissioners of Her

* Similar letters were addressed to the Home Office, Colonial Office, War Office, Treasury, and India Office.

Majesty's Treasury, requesting them, as I do your Lordships, to issue instructions in conformity with the decision of Her Majesty's Government to the several British authorities at home or abroad who may be called upon to act in the matter.

I am, &c.
(Signed) RUSSELL.

No. 2.

Sir J. Crampton to Earl Russell.—(Received June 10.)

My Lord,

Madrid, June 6, 1865.

WITH reference to my despatch of yesterday's date, informing your Lordship that I had communicated to the Spanish Government the decision of Her Majesty's Government to consider the war in North America at an end, I have the honour to inclose an extract from the "Madrid Gazette," with translation, containing a Royal Decree abrogating the Royal Decree of the 17th of June, 1861, by which the Confederate States of America were recognized as belligerents.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 2.

Extract from the "Gaceta de Madrid" of June 6, 1865.

MINISTERIO DE ESTADO.

Real Decreto.

HABIENDO terminado la guerra entre los Estados del Norte y los del Sur, en la República de los Estados Unidos; y habiendo cesado en consecuencia, por el restablecimiento de la paz, las circunstancias que motivaron las disposiciones contenidas en mi Real Decreto de 17 de Junio de 1861, referente á la neutralidad de España en la expresada guerra, vengo en decretar lo siguiente:

Artículo único. Queda derogado mi Real Decreto de 17 de Junio de 1861.

Dado en Aranjuez, á cuatro de Junio de mil ochocientos sesenta y cinco.

(Esta rubricado de la Real Mano.)

El Ministro de Estado,

(Firmado) ANTONIO BENAVIDES.

(Translation.)

MINISTRY OF STATE.

Royal Decree.

THE war between the States of the North and those of the South in the Republic of the United States having terminated, and the circumstances having, consequently on the establishment of peace, ceased to exist, which suggested the measures contained in my Royal Decree of the 17th of June, 1861, referring to the neutrality of Spain in the aforesaid war, I have decreed as follows:

Single Article. My Royal Decree of the 17th of June, 1861, is abrogated.

Given at Aranjuez, June 4, 1865.

(Signed Regia Manu.)
(Countersigned) ANTONIO BENAVIDES, *Minister of State.*

No. 3.

Earl Cowley to Earl Russell.—(Received June 14.)

My Lord,

Paris, June 13, 1865.

I HAVE the honour to inclose herewith, extracted from the "Moniteur" of this day, a circular addressed by the Minister of Marine to the Maritime Préfets, &c., stating that the Imperial Government will no longer recognize belligerents in North America, and that Confederate ships cannot be allowed in French ports.

I have, &c.

(Signed) COWLEY.

Inclosure in No. 3.

Extract from the "Moniteur" of June 13, 1865.

LE Ministre de la Marine et des Colonies a adressée, à la date du 5 de ce mois, la circulaire suivante aux Préfets Maritimes, aux Commandants à la mer, et aux Gouverneurs des Colonies :—

"Messieurs,

"Paris, le 5 Juin, 1865.

"En proclamant, par sa Déclaration du 10 Juin, 1861, les règles de neutralité qu'il entendait observer entre les belligérants des divers Etats de l'Amérique du Nord, le Gouvernement de l'Empereur a reconnu un fait préexistant, c'est-à-dire, la lutte établie entre deux parties du territoire des Etats-Unis, lutte dans laquelle on observait de part et d'autre les lois de la guerre, soit pour le traitement et l'échange des prisonniers, soit pour les droits à exercer quant aux pavillons neutres.

"Aujourd'hui, après les événements qui se sont accomplis, la situation est tout autre. Le Ministre des Etats-Unis près le Gouvernement de l'Empereur a fait savoir que le Cabinet de Washington considérait la guerre comme ayant cessé et qu'il abandonnait toute prétention au droit de visite sur les neutres, tel qu'il a été exercé pendant la guerre.

"Dans cet état de choses, le Gouvernement de l'Empereur ne croit pas devoir plus longtemps reconnaître de belligérants dans les Etats de l'Amérique du Nord.

En conséquence, les bâtiments qui se présenteraient comme bâtiments Confédérés ne pourront plus être reçus dans les ports du Continent ou des Colonies, non plus que dans les eaux territoriales de l'Empire, et le pavillon Confédéré ne pourra plus être arboré dans nos ports.

Quant à ceux de ces navires qui se trouveraient dans nos ports au moment où vous parviendra la présente dépêche, ils devront en sortir ; mais vous ferez observer, pour la dernière fois, à leur égard, la règle rappelée dans ma circulaire du 5 Février, 1864, et aux termes de laquelle il doit y avoir un intervalle d'au moins vingt-quatre heures entre le départ de tout bâtiment de guerre de l'un des belligérants et le départ subséquent de tout navire de guerre de l'autre belligérant.

"Recevez, &c.

"Le Ministre Secrétaire d'Etat de la Marine et des Colonies,

(Signé)

"P. DE CHASSELOUP-LAUBAT."

(Translation.)

THE Minister for Marine and the Colonies has addressed the following Circular, dated the 5th of this month, to the Maritime Prefects, Naval Commanders, and Governors of the Colonies :—

"Gentlemen,

"Paris, June 5, 1865.

"In proclaiming by their Declaration of the 10th of June, 1861, the rules of neutrality which they intended to observe between the belligerents of the different States of North America, the Emperor's Government recognized a pre-existing fact, that is to say, the conflict established between two portions of the territory of the United States, a conflict in which the laws of war were observed on one side as well as on the other, both as regards the treatment and exchange of prisoners, as well as the rights to be put in force as regards neutral flags.

"At present, after the events which have taken place, the situation of affairs is completely altered. The Minister for the United States at the Emperor's Court has announced that the Cabinet of Washington considered the war as having ceased, and that it abandoned all pretention to the exercise of the right of search against neutrals, as it has been employed during the war.

"In this state of affairs the Emperor's Government do not consider that they ought any longer to recognize the States of North America as belligerent.

"In consequence, vessels presenting themselves as Confederate vessels can no longer be received in the ports of the Continent nor of the Colonies, nor in the territorial waters of the Empire, and the Confederate flag cannot be any longer displayed in our ports.

"As regards those vessels which may be in our ports when the present despatch reaches you, they must depart; but you will cause to be observed, for the last time in their behalf, the rule laid down in my Circular of the 5th of February, 1864, and by the terms of which an interval of at least twenty-four hours must be observed between the departure of any vessel of war of one of the belligerents and the subsequent departure of any vessel of war of the other belligerent.

"Accept, &c.

"The Minister Secretary of State for the Navy and Colonies,
(Signed)

"P. DE CHASSELOUP-LAUBAT."

Correspondence respecting the Cessation of the
Civil War in North America.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA. No. 7. (1865.)

CORRESPONDENCE

RESPECTING THE

PROCLAMATION

ISSUED BY THE

PRESIDENT OF THE UNITED STATES

ON THE

22ND OF MAY, 1865.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON :
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Proclamation issued by the
President of the United States on the 22nd of May, 1865.

No. 1.

Sir F. Bruce to Earl Russell.—(Received June 7.)

My Lord,

Washington, May 26, 1865.

I HAVE the honour to inclose herewith, a Proclamation opening to foreign trade the ports on the seaboard of the United States, with the exception of those in Texas, after the 1st of July. The delay of a month is required, in order to reorganize the Customs Establishments at the ports.

Two considerations will operate strongly in the restoration of unrestricted commerce with the Southern States. The rebellion having been suppressed, the North seeks for compensation for the sacrifices it has made in trade with those regions, and demands the cessation of the abuses and favouritism which have characterized the system of trading under Treasury permits which was initiated during the war.

Moreover the introduction of Northern capital and energy will give employment to the Southern people, who are now starving, and it is hoped will tend to develop the resources of the States, and thus promote the restoration of tranquillity.

I feel convinced that in a short time all attempts to impose restrictions on trade in any shape will be found impracticable.

The South is destitute of everything, and the Government is obliged to issue rations in many places to prevent the people from dying of famine.

In order to induce the people to resume cultivation, and to enable them to provide for themselves, it is necessary that the holders of cotton in the plantations should be induced to bring it to market by withdrawing the threat of seizure, and it appears to me that vague threats of confiscation of property cannot be kept hanging over the heads of the proprietors in general. An amnesty which shall reassure the masses cannot be long withheld.

The clause in the Proclamation stating that persons trading with the ports of the United States in violation of the laws will be regarded as pirates is to me unintelligible, nor can I obtain any satisfactory explanation of it. I think it is inserted *in terrorem*, as such offences must be dealt with according to law, and no Tribunal would consider persons guilty of such acts as guilty of piracy.

I have, &c.
(Signed) FREDERICK W. A. BRUCE.

Inclosure in No. 1.

DEPARTMENT OF STATE.

By the President of the United States of America.

A Proclamation.

WHEREAS, by the Proclamation of the President of the eleventh day of April last, certain ports of the United States therein specified, which had previously been subject to blockade, were, for objects of public safety, declared, in conformity with previous special legislation of Congress, to be closed against foreign commerce during the national will, to

be thereafter expressed and made known by the President; and whereas events and circumstances have since occurred which, in my judgment, render it expedient to remove that restriction, except as to the ports of Galveston, La Salle, Brazos de Santiago (Point Isabel), and Brownsville, in the State of Texas:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that the ports aforesaid not excepted as above shall be open to foreign commerce from and after the first day of July next; that commercial intercourse with the said ports may, from that time, be carried on, subject to the laws of the United States and in pursuance of such regulations as may be prescribed by the Secretary of the Treasury. If, however, any vessel from a foreign port shall enter any of the before-named excepted ports in the State of Texas, she will continue to be held liable to the penalties prescribed by the Act of Congress approved on the thirteenth day of July, eighteen hundred and sixty-one, and the persons on board of her to such penalties as may be incurred pursuant to the laws of war for trading or attempting to trade with an enemy.

And I, Andrew Johnson, President of the United States, do hereby declare and make known that the United States of America do henceforth disallow to all persons trading or attempting to trade in any ports of the United States in violation of the laws thereof, all pretence of belligerent rights and privileges; and I give notice that, from the date of this Proclamation, all such offenders will be held and dealt with as pirates.

It is also ordered, that all restrictions upon trade heretofore imposed in the territory of the United States east of the Mississippi River, save those relating to contraband of war, to the reservation of the rights of the United States to property purchased in the territory of an enemy, and to the twenty-five per cent. upon the purchases of cotton, are removed. All provisions of the internal revenue law will be carried into effect under the proper officers.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-second day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

(L.S.)

ANDREW JOHNSON.

By the President,

W. HUNTER, *Acting Secretary of State.*

No. 2.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, June 16, 1865.

THE clause in the President's Proclamation of the 22nd of May which threatens certain offenders as pirates, and which you justly describe in your despatch of the 26th ultimo as unintelligible, seems to have arisen from a confusion of two very separate offences.

The one would be the offence of attempting to trade, to carry manufactures or provisions, for instance, into such ports as Charleston, Mobile, or Wilmington, ports in the possession of the United States. This would be an offence of violating laws and regulations of the nature of Custom-house regulations, and punishable as such.

The other would be the offence of attempting by armed vessels, such as the "Stone-wall," to break into the ports of Galveston and Brownsville, then in the possession of the Confederates, with a view of aiding them in their insurrection.

This would be an offence against the sovereignty of the United States, and the state of war having ceased, would amount to the crime of high treason.

Neither offence could constitute piracy, which is a crime against all mankind.

But as, since the date of the Proclamation, Galveston and the other ports excepted have been reduced within the obedience of the United States, it will probably not be necessary that you should point out this error in the Proclamation of the 22nd of May.

You will take care, however, to attend to any case in which a British subject may be wrongfully detained in prison, after the more recent Proclamations of the President, of which I have not, however, received from you official copies.

I am, &c.

(Signed)

RUSSELL.

NORTH AMERICA.

No. 7. (1865.)

CORRESPONDENCE respecting the Proclamation
issued by the President of the United States on
the 22nd of May, 1865.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA. No. 8. (1865.)

CORRESPONDENCE

WITH THE

UNITED STATES' GOVERNMENT

RESPECTING

**COMPENSATION TO THE WIDOW OF THE
LATE MR. GRAY,**

KILLED BY LIEUT. DANENHOWER

ON BOARD

THE "SAXON."

Presented to the House of Lords by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence with the United States' Government respecting
Compensation to the Widow of the late Mr. Gray, killed by
Lieutenant Danenhower on board the "Saxon."

No. 1.

Lord Lyons to Earl Russell.—(Received March 26.)

(Extract.)

Washington, March 11, 1864.

I HAVE the honour to transmit to your Lordship a copy of a note to Mr. Seward, in which, in obedience to the instruction contained in your Lordship's despatch of the 15th ultimo,* I have stated to him that Her Majesty's Government consider that pecuniary compensation to the widow of Mr. James Gray ought to form part of the redress to be given by the United States' Government.

I inclose also a copy of a note from Mr. Seward which has reached me since I closed the preceding despatch.

Inclosure 1 in No. 1.

Lord Lyons to Mr. Seward.

Sir,

Washington, March 9, 1864.

IN the note which I had the honour to address to you on the 13th of last month, I informed you that Her Majesty's Government were of opinion that the officers of the United States' ship "Vanderbilt," who killed Mr. James Gray, the mate of the "Saxon," ought to be tried without delay for wilful murder.

It is now my duty, in obedience to further instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, to state to you that Her Majesty's Government consider that pecuniary compensation to the widow ought to form part of the redress which the Government of the United States should make for the act of its officer.

I have, &c.
(Signed) LYONS.

Inclosure 2 in No. 1.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, March 11, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 9th instant, in regard to the redress which Her Majesty's Government consider to be due by the Government of the United States on account of the killing of Mr. James Gray, the mate of the "Saxon."

I have lost no time in communicating a copy of your note to the Secretary of the Navy, and your Lordship may be assured that the subject will receive attentive consideration.

I have, &c.
(Signed) W. H. SEWARD.

* See Parliamentary Papers, North America (No. 2), 1864, No. 19, p. 33.

No. 2.

Lord Lyons to Earl Russell.—(Received July⁹.)

My Lord,

Washington, June 28, 1864.

I HAVE the honour to transmit to your Lordship a copy of a note dated the 22nd instant, which I have just received from Mr. Seward, and copies of the proceedings of the court-martial held at Philadelphia on the case of Mr. Charles Danenhower, who killed Mr. James Gray on board the "Saxon" at Angra Pequena. As these documents have come into my hands only just before the departure of the messenger, I have not time to read them before sending them to your Lordship.

Mr. Seward's note states that the United States' Government deems itself authorized to accept the judgment of the Court as conclusive of the fact that the death of Mr. Gray occurred by an accident, which involved no crime on the part of Mr. Danenhower, and therefore no responsibility on the part of the United States.

I have, &c.
(Signed) LYONS.

Inclosure in No. 2.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, June 22, 1864.

REFERRING to your Lordship's notes, heretofore acknowledged, concerning the homicide which occurred on board of the British barque "Saxon" in Angra Pequena Bay, on the west coast of Africa, when James Gray lost his life by the discharge of a pistol in the hands of Charles Danenhower, Acting Master's Mate, of the United States' navy, I have now the honour to place in your hands several printed copies of the proceedings of the naval general court-martial by which the said Charles Danenhower has been tried upon a charge of murder, and been fully acquitted.

For the purpose of more certainly eliciting the truth of the transaction, although a naval Court of Inquiry had already made a careful preliminary examination, and had found that there was no sufficient probable cause to justify a capital or any other prosecution against Danenhower, your Lordship is aware that this Government, yielding to the greatly excited sensibilities of the British Government, ordered this court-martial to be held. The naval Court Martial was impartially constituted, all the evidence which was attainable was submitted to the Court, and its proceedings appear to have been in all respects just and regular, and conducted with full deliberation. This Government, therefore, deems itself authorized to accept the judgment of this Court as conclusive of the fact that the regretted death of the said James Gray occurred by an accident which involved no crime on the part of the said Charles Danenhower, and therefore no responsibility on the part of the United States.

I have, &c.
(Signed) W. H. SEWARD.

No. 3.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, August 11, 1864.

HER Majesty's Government have considered, in communication with the Law Officers of the Crown, the proceedings of the Court-martial upon Mr. Danenhower, of which a copy is inclosed in your despatch of the 28th of June; and I have to state to you that Her Majesty's Government are, upon the whole, of opinion that Mr. Seward is justified in maintaining the position that the finding of the Court-martial must be accepted as conclusive by the United States' Government; and although it might have been hoped that the United States' Government might deem it not inconsistent with this position voluntarily to make some compensation to the relations of the unfortunate man whose life has been so needlessly sacrificed by the impetuosity and carelessness of one of their officers, Her Majesty's Government do not feel that they would be borne out in insisting, as a right, that such compensation should be paid.

I am, &c.
(Signed) RUSSELL.

Mrs. Mary Jane Gray to Earl Russell.

To the Right Honourable Earl Russell, K.G., Secretary of State for Foreign Affairs.

The Memorial of Mary Jane Gray, Widow of James Gray, late a Mate on board the barque "Saxon," of Cape Town,

Humbly sheweth,

That your Memorialist is the Widow of James Gray, deceased, late a mate on board the barque "Saxon," of Cape Town, who was murdered on board the said vessel by an officer of the United States' steamer "Vanderbilt" on the 29th day of October, 1863, as is set forth in a letter from your Memorialist's Agents, Messrs. W. Sampson and Son, to his Excellency the Governor of the Cape of Good Hope, dated 16th December, 1863, and also borne out by the proceedings of a Court of Inquiry held at the Cape of Good Hope by order of his Excellency the Governor of the said Colony, copy of the proceedings of which were forwarded by your Memorialist's Agents in the letter already referred to.

Your Memorialist has been given to understand that the proceedings of which these documents form part were brought before the Imperial Parliament of Great Britain, and a Blue Book published in which all the documents relating to the murder of her deceased husband, and the claim made by her for compensation, were duly set forth.

His Excellency the Governor of the Cape of Good Hope addressed a letter to your Memorialist's Agents, Messrs. W. Sampson and Son, on the last, inquiring into the pecuniary circumstances of your Memorialist, and in the hope and full expectation that the American Government would compensate your Memorialist for the severe loss sustained by her in the murder of her husband by an officer of the United States' navy, your Memorialist being then not in absolute want, did not feel justified in preferring a claim for support or assistance from the Government of the Cape of Good Hope. Your Memorialist has since, however, learnt to her surprise that the Government of the United States have acquitted the officer of the "Vanderbilt" of the charge of murder of her husband, and as nothing has been communicated to your Memorialist from the Government of the Cape of Good Hope relative to the rejection of your Memorialist's claim for compensation, your Memorialist being now entirely destitute, with four children to provide for, would earnestly pray your Lordship, in the exercise of that sympathy which your Lordship doubtless feels for your Memorialist in the trying position in which she is placed, to urge her claim for compensation from the American Government.

Your Memorialist respectfully submits to your Lordship the fact that, although by the decision of the court-martial held on the officer of the United States' war steamer "Vanderbilt" the said officer was acquitted of the charge of murder, yet your Memorialist humbly and respectfully submits that there can be no doubt of the fact that your Memorialist's husband was deprived of his life by the act of the aforesaid officer, and that too without any provocation on his part.

Your Memorialist humbly prays that your Lordship will be graciously pleased to bring these facts to the notice of the United States' Government, and urge upon that Government the merciful consideration of your Memorialist's case, and your Memorialist, as in duty bound, will ever pray.

(Signed) WIDOW MARY JANE GRAY.

Cape of Good Hope, Cape Town, September 27, 1864.

Earl Russell to Mr. Burnley.

Sir, *Foreign Office, January 31, 1865.*

I TRANSMIT to you herewith a copy of a Memorial* which I have received through the Colonial Office from the widow of the late Mr. James Gray, mate of the barque "Saxon," setting forth the destitute circumstances in which she is now placed in consequence of her husband's death.

In my despatch of the 11th of August, I stated to Lord Lyons that Her Majesty's Government were of opinion that the United States' Government were justified in regarding as conclusive the decision of the court-martial held on Mr. Danenhower, but that it might have been hoped that the United States' Government would have voluntarily offered some compensation to the relatives of the unfortunate man whose life has

* No. 4.

been sacrificed by the carelessness of one of its officers. I have not been informed whether any answer has been returned by the United States' Government to Lord Lyons' representation, and I have therefore to instruct you to take a favourable opportunity of speaking to Mr. Seward on the subject of Mrs. Gray's distressed condition, but you will not press for what must be a purely voluntary act on the part of the United States' Government.

I am, &c.
(Signed) RUSSELL.

No. 6.

Mr. Burnley to Earl Russell.—(Received March 18.)

My Lord,

Washington, March 3, 1865.

ON the receipt of your Lordship's despatch of the 21st January, inclosing a Memorial from Mrs. Gray asking for some pecuniary relief from the United States' Government for the death of her husband, the mate of the "Saxon," I referred to your Lordship's despatch to Lord Lyons of the 11th of August of last year, with a view of ascertaining what answer, if any, had been received. I find, however, no record that the despatch in question was ever communicated to Mr. Seward, and therefore no reply could of course have been returned.

I therefore embodied the views then expressed by Her Majesty's Government in a note which I addressed to Mr. Seward, of which I beg to inclose a copy, transmitting to him a copy of Mrs. Gray's Memorial.

I took occasion to speak to him at the same time in the sense of your Lordship's remarks, observing that Her Majesty's Government by no means wished to press the point of compensation, leaving entirely to the unfettered action of the United States' Government the question of relief for the widow.

I regret that Mr. Seward's answer is not a favourable one, and that it is not couched in a more gracious tone.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 6.

Mr. Burnley to Mr. Seward.

Sir,

Washington, February 22, 1865.

It will no doubt be in your recollection that on the 9th March of last year, Lord Lyons had the honour of bringing under your notice the question of pecuniary compensation to the widow of Mr. James Gray, the mate of the "Saxon," who was killed by an officer of the United States' ship "Vanderbilt."

In your reply of the 22nd June, forwarding copies of the proceedings of the Court Martial on Mr. Danenhower, it was observed that the United States' Government deemed itself authorized to accept the judgment of that Court as conclusive of the fact that the regretted death of Gray occurred by an accident which involved no crime on the part of the said Charles Danenhower, and therefore no responsibility on the part of the United States.

Her Majesty's Government at the time that note was laid before them, considered that the United States' Government were justified in regarding as conclusive the decision of the court martial held on Mr. Danenhower, but hoped that the United States' Government would have voluntarily offered some compensation to the relatives of the unfortunate man, whose life was sacrificed by the carelessness of one of the officers.

Her Majesty's Government have recently received through the Colonial Office, a Memorial, copy of which I have the honour to inclose,* from Mrs. Gray setting forth the destitute circumstances in which she is now placed in consequence of her husband's death, and expressing a hope that some slight assistance may be afforded her in the afflicting position in which she finds herself.

I am, therefore, instructed to lay the petition of Mrs. Gray before you, leaving entirely to the spontaneous and voluntary action of the United States' Government the question of relief to be afforded to the widow under her necessitous circumstances.

I am, &c.
(Signed) J. HUME BURNLEY.

Inclosure 2 in No. 6.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, February 27, 1865.

I HAVE the honour to acknowledge the receipt of your note of the 23rd February, in which you submit for the consideration of this Government whether it will not make some pecuniary contribution to Mary Jane Gray, widow of James Gray, who lost his life on the occasion of the capture of the "Saxon" as Angra Pequena, by a pistol-shot fired by Acting Master's Mate Charles Danenhower, of the ship "Vanderbilt" of the United States' Navy.

The result of the judicial proceedings in the case was that the firing of the pistol was unpremeditated and was a casualty. Danenhower was engaged at the time in a lawful act under lawful command of his superior officer. The individual who perished was voluntarily engaged for his own gain in a transaction which was hostile and injurious to the United States, in violation of the law of nations, and in disobedience to the express command of his Sovereign. It could only be upon sentiments of magnanimity that the United States' Government could make remuneration to the widow of the deceased. If this Government was never so much disposed to practise upon such sentiments, it would be constrained to forbear in this instance by the consideration that charity in such a case would tend to increase rather than to diminish the already too great number of those, in foreign countries, who, like Gray, are seduced by cupidity into hostile injuries and unlawful enterprises against the United States.

I have, &c.

(Signed) WILLIAM H. SEWARD.

NORTH AMERICA.

No. 8. (1865.)

CORRESPONDENCE with the United States' Government respecting Compensation to the Widow of the late Mr. Gray, killed by Lieutenant Danenhower on board the "Saxon."

*Presented to the House of Lords by Command of
Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA. No. 9. (1865.)

FURTHER CORRESPONDENCE

RESPECTING THE

CESSATION OF CIVIL WAR

IN

NORTH AMERICA.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:

PRINTED BY HARRISON AND SONS.

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Further Correspondence respecting the Cessation of Civil War in North America.

No. 1.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, June 2, 1865.

I RECEIVED, on the 25th ultimo, your despatch of the 10th ultimo, inclosing a copy, taken from a newspaper, of a Proclamation issued by the President of the United States on that day, declaring, among other matters, that "armed resistance to the authority of this Government," namely, the Government of the United States, "may be regarded as virtually at an end; and the persons by whom that resistance, as well as the operations of insurgent cruisers, were directed, are fugitives or captives."

On the day following the receipt of your despatch, intelligence reached this country of the capture of President Davis by the military forces of the United States.

In this state of things Her Majesty's Government lost no time in communicating with the Government of the Emperor of the French as to the course which should be pursued by the two Governments; and while these communications were in progress, I received officially from Mr. Adams, on the 30th ultimo, a copy of the President's Proclamation of the 10th.

It would, indeed, have been more satisfactory if the Government of the United States had accompanied the communication of the President's Proclamation with a declaration that they formally renounced the exercise as regards neutrals of the rights of a belligerent; but Her Majesty's Government considered that, in the existing posture of affairs, the delay of any formal renunciation to that effect did not afford to neutral Powers sufficient warrant for continuing to admit the possession of a belligerent character by a Confederation of States which had been actually dissolved. The late President of the so-called Confederate States has been captured, and transported as a prisoner to Fort Monroe; the armies hitherto kept in the field by the Confederate States have, for the most part, surrendered or dispersed; and to continue to recognize those States as belligerents would not only be inconsistent with the actual condition of affairs, but might lead to much embarrassment and complication in the relations between neutral Powers and the Government of the United States.

Her Majesty's Government have accordingly, after communication with the Government of the Emperor of the French, determined to consider the war which has lately prevailed between the United States and the so-called Confederate States of North America to have ceased *de facto*; and, on that ground, they recognize the re-establishment of peace within the whole territory of which the United States, before the commencement of the civil war, were in undisturbed possession.

As a necessary consequence of this recognition, Her Majesty's Government will forthwith send to Her Majesty's authorities in all ports, harbours, and waters belonging to Her Majesty, whether in the United Kingdom or beyond the seas, orders henceforth to refuse admission into any such ports, harbours, and waters, of any vessel of war carrying a Confederate flag, and to require any Confederate vessels of war which, at the time that the orders may be received by Her Majesty's authorities, may have already entered such ports, harbours, and waters, on the faith of Proclamations heretofore issued by Her Majesty, and which, having complied with the provisions of such Proclamations, may be actually within such ports, harbours, and waters, forthwith to depart from the same.

But in adopting this decision as regards Confederate vessels of war found within British ports, harbours, and waters, when the orders are received by Her Majesty's authorities, Her Majesty's Government consider that a due regard for national good faith and honour requires that Her Majesty's authorities should be instructed that any Confederate vessels of war so required to depart should, on their departure, have the benefit of the prohibition heretofore enforced against their being pursued within twenty-four hours by a cruiser of the United States lying at the time within the same port, harbour, and waters, and that such prohibition should be then and for the last time maintained in favour of such Confederate vessels of war.

Her Majesty's Government cannot anticipate any objection being made by the Government of the United States to this reserve, when the ground on which it is adopted is explained to that Government.

Her Majesty's Government have, however, thought it right to provide for the contingency of the commander of any Confederate vessel of war which may be found in any port, harbour, or waters of Her Majesty's dominions at the time when these new orders are received by Her Majesty's authorities, or may enter such port, harbour, or waters within a month after these new orders are received, desiring to divest his vessel of her warlike character, and to assume the flag of any nation recognized by Her Majesty's Government as in a state of peace with Her Majesty; and in such a case, Her Majesty's authorities will be authorized to allow the commander of the vessel to do so, and, after disarming her, to remain without a Confederate flag within British waters, at his own risk in all respects; in which case such commander will be distinctly apprized that he is to expect no further protection from Her Majesty's Government, except such as he may be entitled to in the ordinary course of the administration of the law in time of peace. The rule as to twenty-four hours would not be applicable to the case of such vessel.

I have to instruct you to lose no time in making known to the Government of the United States, by communicating to the Secretary of State a copy of this despatch, the course of action on which Her Majesty's Government have decided, and which they doubt not will be agreeable to the Government of the United States. But in making this communication to the Secretary of State, you will add that Her Majesty's Government have adopted this course under the full persuasion that the Government of the United States will, on their part, at once desist from exercising towards neutrals the rights of blockade, and of search and detention of neutral vessels on the high seas, which can be lawfully exercised by belligerents alone, and which a Power not engaged in warfare cannot under the law of nations assume to exercise.

I am, &c.
(Signed) **RUSSELL.**

No. 2.

Sir F. Bruce to Earl Russell.—(Received July 3.)

My Lord,

Washington, June 19, 1865.

IN accordance with the instructions contained in your Lordship's despatch of the 2nd instant, I left a copy of that despatch with Mr. Hunter, Acting Secretary of State, and have now the honour to inclose a copy of Mr. Seward's reply just received.

I have, &c.
(Signed) **FREDERICK W. A. BRUCE.**

Inclosure in No. 2.

Mr. Seward to Sir F. Bruce.

Sir,

Department of State, Washington, June 19, 1865.

DUE consideration has been given to a despatch which Earl Russell addressed to you on the 2nd of June instant, and of which, on the 14th instant, you were so kind as to leave a copy at this Department. The President is gratified by the information which that paper contains, to the effect that Her Majesty's Government

have determined to consider the war which has lately prevailed between the United States and the insurgents of this country to have ceased *de facto*, and that Her Majesty's Government now recognize the re-establishment of peace within the whole territory of which the United States were in undisturbed possession at the beginning of the civil war.

The President is also gratified to learn from Earl Russell's despatch that Her Majesty's Government will forthwith send to Her Majesty's authorities in all ports, harbours, and waters belonging to Her Majesty, whether within the United Kingdom or beyond the seas, orders henceforth to refuse admission into any such ports, harbours, and waters of any vessel of war carrying the insurgent flag, and to require any insurgent vessels of war, which after the time that the orders may be received by Her Majesty's authorities may have already entered such ports, and which having complied with the previous Proclamations of the British Government, may be actually within such ports, harbours, and waters, forthwith to depart from the same.

It is with regret, however, that I have to inform you that Earl Russell's despatch is accompanied by some reservations and explanations which are deemed unacceptable by the Government of the United States. It is hardly necessary to say that the United States do not admit what they have heretofore constantly controverted, that the original concession of belligerent privileges to the rebels by Great Britain was either necessary or just, or sanctioned by the law of nations.

The correspondence which took place between this Government and that of Her Majesty at an early stage of the insurrection show that the United States deemed the formation of a mutual engagement by Great Britain with France, that those two Powers would act in concert in regard to the said insurrection to be an unfriendly proceeding; and that the United States therefore declined to receive from either of those Powers any communication which avowed the existence of such an arrangement. I have therefore now to regret that Earl Russell has thought it necessary to inform this Government that Her Majesty's Government have found it expedient to consult with the Government of France upon the question whether Her Majesty's Government will now recognize the restoration of peace in the United States.

It is a further source of regret that Her Majesty's Government avow that they will still continue to consider that any United States' cruiser, which shall hereafter be lying in a British port, harbour, or waters, shall be detained twenty-four hours, so as to afford an opportunity for an insurgent vessel, then actually being within the said port, harbour, or waters, to gain the advantage of the same time for her departure from the same port, harbour, or waters.

It is further source of regret that Her Majesty's Government have deemed it proper to make the additional reservation in favour of insurgent vessels of war, that for the period of a whole month which shall elapse after the new orders now to be issued by Her Majesty's Government shall have been received by the said authorities, any insurgent vessel which may be found in or which may enter any port, harbour, or waters of Her Majesty's dominions, and which may desire to divest itself of its warlike character, and to assume the flag of any nation recognized by Her Majesty's Government with which Her Majesty is at peace, will be allowed to do so; and further, that such vessels after disarming themselves will be permitted to remain in such port, harbour, or waters without an insurgent flag, although the twenty-four hours' rule will not be applicable to the cases of such vessels. Far from being able to admit the legality or justice of the instructions thus made, it is my duty to inform your Excellency that, in the first place, the United States cannot assent to an abridgment of reciprocal hospitalities between the public vessels of the United States and those of Great Britain. So long as Her Majesty's Government shall insist upon enforcing the twenty-four hours' rule before mentioned of which the United States have so long and, as they think, so justly complained, the United States must apply the same rule to public vessels of Great Britain.

Again, it is my duty further to state, that the United States cannot admit, and on the contrary they controvert and protest against, the decision of the British Government, which would allow vessels of war of insurgents or pirates to enter or to leave British ports, whether for disarmament or otherwise, or for assuming a foreign flag or otherwise. As to all insurgent or piratical vessels found in ports, harbours, or waters of British dominions, whether they entered into such ports, harbours, or waters, before or after any new orders of Her Majesty's Government

may be received by any authority of Her Majesty's Government established there, this Government maintains and insists that such vessels are forfeited to and ought to be delivered to the United States upon reasonable application in such cases made, and that if captured at sea under whatsoever flag by a naval force of the United States, such capture will be lawful.

Notwithstanding, however, the exceptions and reservations which have been made by Her Majesty's Government, and which have been herein considered, the United States accept with pleasure the declaration by which Her Majesty's Government have withdrawn their former concession of a belligerent character to the insurgents, and this Government further freely admits that the normal relations between the two countries being practically restored to the condition in which they stood before the civil war, the right to search British vessels has come to an end by an arrangement satisfactory in every material respect between the two nations.

It will be a source of satisfaction to this Government to know that Her Majesty's Government have considered the views herein presented in a spirit favourable to the establishment of a lasting and intimate friendship between the two nations.

I have, &c.
(Signed) WILLIAM H. SEWARD.

NORTH AMERICA.

No. 9. (1865.)

Further Correspondence respecting the Cessation of
the Civil War in North America.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

LONDON :

PRINTED BY HARRISON AND SONS.

97
NORTH AMERICA. No. 10. (1865.)

FURTHER CORRESPONDENCE

RESPECTING THE

CESSATION OF CIVIL WAR

IN

NORTH AMERICA.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

3577
LONDON :
PRINTED BY HARRISON AND SONS.

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Further Correspondence respecting the Cessation of Civil War in North America.

No. 1.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, May 30, 1865.

YOUR Excellency will have been enabled by my telegram of this morning to prepare M. Drouyn de Lhuys for the communication of the views of Her Majesty's Government as to the course which, in the present posture of affairs in the United States, may properly be adopted by the Governments of England and France.

I have now to instruct your Excellency to acquaint the French Minister that Her Majesty's Government are of opinion that after the capture of the late President of the so-called Confederate States, and the surrender or dispersion, with one exception, of the armies hitherto kept in the field by those States, neutral nations have no alternative but to consider the civil war as at an end, and to shape their course accordingly.

It might, indeed, have been more satisfactory if the Government of the United States had already in this condition of things formally renounced the exercise as regards neutrals of the rights of a belligerent; but the delay of any such renunciation on their part cannot be considered to afford sufficient warrant to neutral Powers to continue to admit a belligerent character in a Confederation of States which has been actually dissolved. Much embarrassment and complication in the relations between the United States and neutral Powers could not fail to result from the perseverance of the latter in such a course, while no advantage could accrue to any party from it.

The Government of the Emperor will probably view the matter in the same light; and under this impression Her Majesty's Government desire your Excellency to propose that the two Governments should agree at once to adopt the following measures, namely:—

To declare, in the first place, that having regard to the actual state of affairs, each Government considers the war which has lately prevailed between the United States and the so-called Confederate States of North America to have ceased *de facto*, and on that ground they are prepared to recognize that peace has been restored within the whole territory of which the United States before the commencement of the civil war were in undisturbed possession.

2. And as a necessary consequence of such recognition, they mean to send, without delay, orders to the respective authorities in all ports, harbours, and waters belonging to each Government, whether in Europe or beyond the seas, to refuse permission to any vessel of war carrying a Confederate flag to enter any of the territorial waters, harbours, or ports of the respective Governments. And

3. To require any Confederate vessels of war which may have already entered the ports of the respective Governments on the faith of Proclamations of neutrality heretofore issued by such Governments, and which, having complied with the provisions of such Proclamations, may, at the time when the new Orders reach the authorities of such ports, be actually within the territorial waters, ports, or harbours of such Governments, forthwith to depart therefrom; on the understanding, however, that on the occasion of their departure the rule heretofore enforced in regard to the prohibition of pursuit within twenty-four hours by a cruiser of the United States, lying at the time within any such waters, ports, or harbours, shall then, and for the last time, be maintained in their favour. Her Majesty's Government are of opinion that this last-mentioned mode of proceeding in regard to Confederate vessels of war is required by a due regard for national good faith and honour, and they cannot anticipate any objection being made to it on the part of

the Government of the United States, when the ground on which it is adopted is explained to that Government.

If the Imperial Government should concur in the course which I have thus sketched out, Her Majesty's Government will, for themselves, instruct Her Majesty's Minister at Washington to make it known, without delay, to the Government of the United States, and will also communicate it to the Minister of the United States in London; sending, at the same time, instructions to all British authorities in the ports of the United Kingdom, and in those of Her Majesty's Colonies and possessions beyond the seas, to act in conformity with it.

But Her Majesty's Government propose, in making this communication to the Government of the United States, and to the Minister of those States in London, to add that they have decided on the measures indicated, under the full persuasion that the Government of the United States will, on their part, at once desist from exercising towards neutrals the rights of blockade and of search and detention of neutral vessels on the high seas which can be lawfully exercised by belligerents alone, and which a Power not engaged in warfare cannot, under the law of nations, assume to exercise.

Your Excellency will inform me with as little delay as possible, and by telegraph, whether the French Government concur in the course thus submitted for their consideration; and that no misapprehension may exist on the part of M. Drouyn de Lhuys as to the exact purport of the proposal, you will furnish him with a copy of this despatch.

It is very desirable that the several steps required for carrying it into execution should be taken without delay. But I trust the French Government will be able at once to concur in the measures now proposed.

I am, &c.
(Signed) RUSSELL.

No. 2.

Earl Cowley to Earl Russell.—(Received June 1.)

(Extract.)

Paris, May 31, 1865.

I WAITED upon M. Drouyn de Lhuys by appointment this afternoon, and after reading to him your Lordship's despatch of yesterday's date, proposing the withdrawal of the belligerent rights hitherto conceded by Great Britain and France to Confederate cruisers, I placed a copy of it in his hands.

M. Drouyn de Lhuys said that having been made aware of the views of Her Majesty's Government by the Prince de la Tour d'Auvergne, he had already expressed through that Ambassador his concurrence in their proposals, but he had suggested the addition of a further slight concession to such Confederate vessels as might still find themselves in French or British ports, namely, that they might be disarmed and sold.

I asked M. Drouyn de Lhuys whether this additional concession might not give rise to difficulties with the United States. Might not the United States' Government state with reason that the war having been brought to an end by the complete discomfiture and surrender of the Confederates, all property lately belonging to the latter reverted to the United States? It seemed to me that the power of selling ships lately in the Confederate service must now be vested in the United States' Government.

M. Drouyn de Lhuys seemed to attach value to this observation.

No. 3.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, June 2, 1865.

WITH reference to the point raised by you in your conversation with M. Drouyn de Lhuys, reported in your despatch of the 31st instant, I have to state to your Excellency that I am advised by the Law Officers of the Crown that it is a correct proposition of law that if, upon the complete cessation of hostilities, any ships which at the time of such cessation were the property of the Confederate Government, and have not been lawfully transferred to any other owner, are found within Her Majesty's territories, such ships may be claimed as public property by the Government of the United States. But every such claim, if made and resisted by any counter-claimant, must be decided in the ordinary course of law by the civil tribunals. Each such case may depend

upon mixed questions of law and fact, and it is not necessary, nor would it be expedient, for Her Majesty's Government in any of their public acts to refer to the possible occurrence of questions of this nature.

I am, &c.
(Signed) RUSSELL.

No. 4.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, July 1, 1865.

I HAVE to inform you that Her Majesty's Government have had under their consideration, in communication with the proper Law Advisers of the Crown, a printed copy of the proceedings in the Prize Court in the case of the "Etta," or "Retribution," which has been forwarded to this office by Her Majesty's Consul at New York, and I have to state to you that, although this is a case of first impression, Her Majesty's Government are of opinion that, upon the principles of maritime international law applicable to such a case, the vessel was lawfully and rightly condemned.

This opinion, of course, involves the assent of Her Majesty's Government to the very important position of law that the ship of an enemy which has been a commissioned ship of war, cannot, during the continuance of the war, be relieved from the risk of capture and condemnation in the Prize Court of the other belligerent by any sale or transfer to a neutral, although such neutral may purchase her with the *bond fide* intention of using her for his own benefit in lawful commerce, and may, to the utmost of his power, divest her of her warlike character, and convert her into and use her as a merchant-vessel.

I am, &c.
(Signed) RUSSELL.

No. 5.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, July 6, 1865.

I HAVE received and laid before the Queen your despatch of the 19th of June, with a copy of Mr. Seward's note on the subject of the cessation of belligerent rights.

Her Majesty's Government are sorry to find that the reservations and explanations which accompanied the orders of the 2nd of June are deemed unacceptable by the Government of the United States.

Her Majesty's Government did not expect, indeed, that the United States, after the course they have hitherto taken, would now acknowledge that the original concession of belligerent rights was either necessary or just, or sanctioned by the law of nations.

Her Majesty's Government, however, having, in common with all the maritime Powers of Europe, acknowledged the belligerent rights of blockade on the part of the United States, and having recognized the existence of a belligerent against whom that right was exercised in conformity, as they are convinced, with the law of nations and the practice of centuries, could not be expected on their part to shrink from the consequences of the course they had deliberately adopted. Her Majesty's Government, therefore, considered that a due regard for national faith and honour required that any Confederate vessel of war called upon to depart from Her Majesty's ports, harbours, or waters should have the benefit of the twenty-four hours' rule. But you will observe to Mr. Seward that this rule is then to be enforced for the last time.

Consequently no Confederate vessel of war, taking advantage of this rule, could ever again have the benefit of it.

Her Majesty's Government have, in a like spirit, allowed that vessels lying in Her Majesty's harbours or waters, or which, during the space of a month, shall come into these harbours or waters, shall be permitted to disarm and assume a peaceful character. Otherwise vessels at sea, ignorant of the termination of the war, might be driven without coals or sails to perish on the neighbouring rocks, or to founder at sea. Such inhospitality would not become the character of the nation for good faith and honour, or for humanity.

But you will observe that Her Majesty's Government have instructed their authorities in distant ports distinctly to apprise the Commander of any such Confederate vessel, that

he is to expect no further protection from Her Majesty's Government, except such as he may be entitled to in the ordinary course of the administration of the law in time of peace. The twenty-four hours' rule would not be applicable to such case.

The Government of the United States will, therefore, be entitled to maintain that such vessels are forfeited, and ought to be delivered to the United States upon reasonable application in such cases made. Only such application must be made good in a British Court of Law if the vessel is found in British waters.

In the case of a vessel captured at sea by a naval force of the United States, under whatever flag, the claim ought to be made good in a Court of Law of the United States.

Her Majesty's Government will further illustrate their views on this head by the inclosures to this despatch.*

Part of these inclosures consist of despatches to and from Paris. Her Majesty's Government never can admit that, in presence of a great war which interrupted and destroyed a friendly and useful commerce extending along 3,000 miles of the American coast—a war reducing great numbers of industrious families of both nations to poverty, and afflicting a whole continent—the Governments of England and France should not, as far as possible, act in concert, in pursuance not of any formal engagement, but of a mutual understanding.

Her Majesty's Government, however, are gratified to find that the United States no longer claim the belligerent right to search British vessels, and that the normal relations of the two countries are practically returned to the condition in which they stood before the civil war.

Her Majesty's Government trust that these explanations, founded upon views which Her Majesty's Government have maintained in a spirit of just neutrality, will prove to be favourable to the establishment of a lasting and intimate friendship between the two nations.

I am, &c.
(Signed) RUSSELL.

* Nos. 1, 2, 3, and 4.

Further Correspondence respecting the Cessation of
Civil War in North America.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

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PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING

HOSTILITIES

IN THE

RIVER PLATE, & C.

Presented to the House of Lords by Command of Her Majesty.
1865.

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No. 1.

Mr. Lettsom to Earl Russell.—(Received June 3.)

(Extract.)

Monte Video, April 27, 1864.

A FEW days ago one single copy of a Rio de Janeiro newspaper of the 8th instant was received here, containing an angry debate in the Imperial Chamber of Deputies on the 5th instant, upon the manner in which Brazilian subjects were treated in this country, and on the impossibility of the Brazilian Representative here obtaining any redress for their grievances.

On my calling on Senhor Loureiro, the Brazilian Minister, to ask for the loan of the newspaper, his Excellency told me he had not as yet been able to get a sight of it, but added that by the last English mail the Minister for Foreign Affairs had written to him, shortly stating what his Government proposed doing in consequence of the debate in question.

Senhor Loureiro said that a considerable Brazilian military force was to be stationed on the Rio Grande frontier, and that the object of this measure was threefold:—

1stly. To prevent further infractions of the Brazilian territory by troops of the Oriental Government in pursuit of bands of General Flores' forces.

2ndly. To prevent assistance being given to the cause of the revolution in this country by persons of the Province of Rio Grande. And

3rdly. In order to have an army near the frontier, ready to act in case circumstances should arise making such a step desirable to be taken.

Senhor Loureiro added that he had been instructed by his Government to communicate this resolution to the Government of Uruguay, and that he had already done so.

On my seeing Señor J. J. de Herrera to-day, upon another matter, his Excellency spoke to me upon this subject, and with considerable uneasiness.

No. 2.

Mr. Lettsom to Earl Russell.—(Received June 3.)

(Extract.)

Monte Video, April 29, 1864.

IN my despatch of the 27th instant I mentioned that a debate had taken place recently in the Brazilian Chamber of Deputies on the bad treatment of Brazilian subjects in this country, and on the impossibility of obtaining redress for those grievances.

In that debate one crowning instance of bad treatment of a Brazilian was cited by way of illustration.

It was stated that a Brazilian named Nunez had received 1,000 lashes by order of the military commandant of Paysandú, Colonel Leandro Gomez.

From a letter of the Brazilian Vice-Consul at Paysandú, dated the 16th March last

and published here in the official part of the Government paper "*La Nacion*," last night, it appears that this particular act of violence quoted never occurred.

The denial by the Brazilian Vice-Consul of Paysandu of this special charge of ill-usage was communicated by Señor J. J. de Herrera to the Brazilian Minister here on the 18th instant, and could not therefore have been known to the Brazilian Ministry at the time of the debate spoken of.

Colonel Leandro Gomez may possibly not have committed the violence laid in this case to his charge.

No. 3.

Mr. Lettsom to Earl Russell.—(Received June 20.)

My Lord,

Monte Video, May 13, 1864.

I HAVE the honour to announce to your Lordship the arrival at this place of his Excellency Senhor José Antonio Saraiva, charged with an extraordinary mission to this Republic from the empire of Brazil.

I have the honour to transmit to your Lordship herewith two printed copies of the speech delivered yesterday by Senhor Saraiva on presenting his letters of credence to the President of the Republic, and I likewise place in your Lordship's hands a translation of that speech.

I have further the honour to transmit to your Lordship two printed copies and a translation of the reply of his Excellency the President.

The precise view with which Senhor Saraiva has been directed to come hither has not yet transpired.

It may be fairly assumed, however, that this Mission has been decided on owing to the debate in the Chamber of Deputies in Rio de Janeiro, to which I alluded in my despatch of the 27th of April.

In my despatch of 29th April, I forwarded to your Lordship what I conceive to be a complete refutation of one of the charges of ill-treatment of a Brazilian subject by the military authorities of this country, that charge having been one of the most telling portions of that debate.

At least one of the other charges against the authorities of this Republic brought forward in that debate appears to be equally groundless.

It was stated that the arms over the Brazilian Vice-Consulate at Tacuarembó had been torn down and dragged through the streets, and that for this insult no redress could be obtained.

But unless I am greatly mistaken the true state of the case was as follows:—

Those Consular arms were torn down by a Brazilian subject, who tied them to the tail of his horse and dragged them through the streets, for which offence he was arrested and confined in jail till the Brazilian Vice-Consul at Tacuarembó interfered in his behalf and requested he might be set at liberty.

There are, as I understand, various other complaints likely to be touched on by Senhor Saraiva to which equally satisfactory replies can be given, yet the grievances of which Brazilians in this country have to complain are so numerous that no hopes can be entertained that the Government of the Republic will be in a position to meet them all triumphantly, and should many of these complaints become the subject of debate I cannot but fear the discussion will prove likely to take a complicated turn.

Senhor Loureiro, the Brazilian Minister Resident, when calling on me a day or two prior to the arrival of Senhor Saraiva, asked me if it would not be a happy thing that a restoration of peace should be a consequence of the impending Extraordinary Mission.

I replied that a restoration of order in the Republic was a matter which he and I had of course equally at heart.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure 1 in No. 3.

Speech of Senhor Saraiva.

(Translation.)

Mr. President,
Your Excellency,*Monte Video, May 12, 1864.*

THE letter of His Majesty the Emperor of Brazil, my august Sovereign, which I have the honour to deliver to your Excellency, accredits me as his Envoy Extraordinary and Minister Plenipotentiary near the Government of the Oriental Republic of the Uruguay.

To obtain by means of a foreseeing policy, and one carried out by perseverance, that the rights and legitimate interests of my fellow-citizens domiciled in the interior of the Republic should be secured, such, Mr. President, is the special object of my mission, and the lively desire of the Government of His Majesty.

Only the adoption of that policy will dissipate all the causes immediate or remote that may in the future disturb the relations of perfect cordiality which His Majesty the Emperor of Brazil sets a high value on cultivating with this Republic.

There are no efforts too great, Mr. President, for conciliating the interests of two neighbouring and American States, and for establishing their international relations upon solid and permanent bases.

For my part I will do all that depends on me that the mission with which I have been charged may prove advantageous to both countries, and I shall consider myself happy if, by gaining the good-will of your Excellency, I shall be able to render evident all the nobleness of the sentiments of the Emperor, who never ceases to put up prayers for the peace and the prosperity of the Oriental Republic of the Uruguay.

Inclosure 2 in No. 3.

Reply of the President.

(Translation.)

M. le Ministre,

Monte Video, May 12, 1864.

THE letter of His Majesty the Emperor of Brazil, which accredits your Excellency as his Envoy Extraordinary and Minister Plenipotentiary near the Government of the Republic, is in my hands.

The Oriental Government, which could not, and cannot, fail to recognize the reciprocal expediency of maintaining the most frank, loyal and friendly relations with that of His Majesty the Emperor of Brazil, and which thinks that it has given proofs of its solicitude that those good relations should be permanent and unchangeable, receives with satisfaction the mission of your Excellency, directed to so important an object.

I recognize, like your Excellency, that no effort should be omitted on the part of both Governments in order that the interests of two neighbouring and friendly States may be firmly guaranteed by international relations, founded upon the frank and efficient respect of justice and reciprocal rights, upon the regard of the principle of order and of authority, the only solid bases of a sincere and permanent friendship.

There can be neither difficulty nor danger for the rights and legitimate interests of the citizens of the two countries, nor causes immediate or remote capable of disturbing the relations of perfect cordiality between both peoples and Governments, if these are inspired by a policy based upon those principles, and if that policy is loyally and perseveringly carried out.

For this reason, M. le Ministre, I accept and thank you for your Excellency's manifestations of good will, and while I trust that the rectitude and enlightenment of the Envoy Extraordinary of Brazil will be able to render patent the nobleness of the sentiments which animate his august Sovereign towards this country, your Excellency may be assured that the Oriental Government, in accordance with its declarations and with its acts, will give proof to the Government of His Majesty of the elevation of its views and of the loyalty of its sentiments.

No. 4.

Mr. Thornton to Earl Russell.—(Received August 5.)

My Lord,

Monte Video, June 26, 1864.

I HAVE the honour to transmit herewith, for your Lordship's information, copy and translation of a note which I have received from Senhor Berges, Minister for Foreign

Affairs of the Republic of Paraguay, in which his Excellency informs me that the Monte Videan Government has solicited the mediation of the Paraguayan Government for the amicable settlement of the international questions between this Republic and Brazil, which has caused the special Mission to Monte Video of Senhor Saraiva.

A similar communication was made to Senhor Saraiva by the Paraguayan Agent here, to whom the former replied that the Brazilian Government would doubtless appreciate the friendly interest taken by the President of Paraguay in the preservation of good relations between the two countries, but that he did not at present see the object of the proposed mediation, inasmuch as there existed no interruption of friendly relations between Brazil and the Republic of the Uruguay, but on the contrary he hoped to come to an amicable adjustment of all the questions at issue between them.

I have addressed a courteous answer to Senhor Berges' note, copy of which I have likewise the honour to inclose.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure 1 in No. 4.

Señor Berges to Mr. Thornton.

(Translation.)

Asuncion, June 17, 1864.

THE Undersigned, Minister of State for the Department of Foreign Affairs, has the honour to address your Excellency, to inform him that the Government of the Oriental Republic of the Uruguay has begged, through its Legation in this capital, the mediation of the Government of the Undersigned for the friendly settlement of the international questions which constitute the object of the special mission of his Excellency Counsellor Saraiva, Minister Plenipotentiary of His Majesty the Emperor of Brazil, in that Republic.

The Government of the Undersigned, with the desire of contributing to the maintenance of peace in the River Plate, removing all motive of future disagreement between two friendly nations, has accepted this proof of confidence which the Oriental Government reposes in its uprightness and justice, and the Undersigned is delighted to communicate this to your Excellency.

The Undersigned, &c. (Signed) JOSE BERGES.

Inclosure 2 in No. 4.

Mr. Thornton to Señor Berges.

Monte Video, June 23, 1864.

THE Undersigned, Her Britannic Majesty's Minister Plenipotentiary to the Argentine Republic, has the honour to acknowledge the receipt of a note, dated the 17th instant, from his Excellency Don José Berges, Minister for Foreign Affairs of the Republic of Paraguay, announcing to him the acceptance by his Excellency's Government of the proof of confidence reposed in them by that of the Republic of the Uruguay in soliciting their mediation for the amicable arrangement of the international questions which constitute the object of his Excellency Senhor Saraiva's special mission to Monte Video.

The Undersigned will not fail to communicate this announcement to Her Majesty's Government, who he is confident will duly appreciate the feelings of humanity which have induced the Paraguayan Government to endeavour to contribute to the maintenance of peace in this Republic.

The Undersigned, &c. (Signed) EDWD. THORNTON.

No. 5.

Mr. Thornton to Earl Russell.—(Received August 19.)

My Lord,

Buenos Ayres, July 12, 1864.

I HAVE the honour to inform your Lordship that Senhor Saraiva, who is the bearer of a letter of credence from the Emperor of Brazil to the President of the Argentine Republic, landed here on the 10th instant. Senhor Saraiva had yesterday a conference

with the President, at which his Excellency requested me to be present, as were also the members of the Cabinet.

At this conference it was discussed what measures it might be expedient to take with regard to the present state of intestine commotion in the Republic of the Uruguay, and in consequence of the ill success of our recent efforts to restore peace to that country.

Senhor Saraiva urged that the Argentine Republic and the Brazils should carry out a joint intervention for a limited time in the Republic of the Uruguay, should oblige the combatants to lay down their arms, should impartially preside over the election of new authorities in the country, and should give their support to the Government which might result therefrom, as long as the latter might require it. In this view Senhor Saraiva was supported by Señor Elizalde.

But the President dissented. His Excellency urged that the refusal of the Monte Videan Government to make peace with General Flores did not give a third Power a complete right to interfere, although the interests of the latter might be seriously prejudiced by the state of revolution which existed in the neighbouring Republic. He thought, too, that a direct intervention would bring with it a deal of odium, would tend to establish the predominance of one party at Monte Video, and would, to a certain extent, render the intervening Power responsible for any errors or excesses which might subsequently be committed by the Government of the dominant party. His Excellency let it be further understood that an intervention would give rise to expenses which his Government would hardly be justified in incurring, and the Republic would be ill able to bear. He acknowledged, however, that Brazil had a right to obtain redress for the injuries done to her subjects, and to ensure their future protection by any means she thought proper, provided she did not infringe the stipulated independence of the Republic of the Uruguay; and his Excellency thought that the end sought to be attained by a joint intervention could be more safely brought about by indirect means.

Senhor Saraiva replied that he could not advise his Government to undertake alone an intervention in the affairs of the Republic of the Uruguay; that Brazil had already brought upon herself a vast amount of odium by her forced interference in the affairs of the River Plate States; and that if such an intervention were to take place, the Argentine Republic, as a neighbour deeply interested in the matter, ought to share the responsibility. The utmost he could recommend his Government to do would be to occupy the Northern States of the Republic of the Uruguay, in which a number of Brazilian subjects are established, or station a Brazilian force on the northern frontier, whence an expedition might be sent for the purpose of punishing any Uruguayan authorities who might be guilty of outrages upon Brazilian subjects.

The feeling of all who were present was that, should the civil war continue for many months longer in the Republic of the Uruguay, some more active measures would be rendered indispensable on the part of her neighbours. For the present, I gathered that the Argentine Republic would continue the coercive measures she has been employing at the Island of Martin Garcia, and that, without a direct intervention, Brazil would take measures, by reprisal or otherwise, to obtain satisfaction for the wrongs suffered by her subjects, and to ensure their future safety.

Senhor Saraiva has since informed me that, before taking active steps, he will apply to his Government for further instructions, for which purpose he is about to despatch a steamer to Rio, of which I avail myself to forward this despatch to your Lordship.

I have, &c.

(Signed) EDWD. THORNTON.

No. 6.

Mr. Lettsom to Earl Russell.—(Received September 19.)

(Extract.)

Monte Video, August 10, 1864.

ON the 4th instant Senhor Saraiva, the Brazilian Envoy on a Special Mission, returned from Buenos Ayres, and on the day of his arrival his Excellency addressed to Señor Juan José de Herrera a very long note, setting forth the grievances of which his Government have to complain in this Republic.

Senhor Saraiva named a period of six days as the time for an answer to be given to his note, and added that if the reply were unsatisfactory ulterior measures would be resorted to by the Brazilian Government to obtain redress.

Yesterday evening Señor Juan José de Herrera returned to Senhor Saraiva his Excellency's note of the 4th instant stating, among other things, that Senhor Saraiva's

note above spoken of is conceived in such terms that it cannot be preserved in the archives of the Oriental Republic.

Señor J. J. de Herrera sent last night to the Spanish Minister, for his information and that of the Diplomatic Body here, a copy of his answer to Senhor Saraiva's note of the 4th instant.

The most practicable part of that answer may be stated thus:—His Excellency suggests that Brazil shall apply to some foreign Government to determine by arbitration whether the present is an opportune moment for Brazil to apply to the Republic for satisfaction for grievances, the great majority of which, if not all, are of several years' standing.

Señor J. J. de Herrera accompanied the copy of his reply to Senhor Saraiva by a short note addressed to the Spanish Minister, wherein he says to his Excellency he hopes Señor Creus and his colleagues will make themselves familiar with the contents of the accompanying document, as he or some of them may be called upon to act as arbitrator in the case.

I have not as yet been able to learn the opinion of my colleagues on this matter.

In another point of view, too, I find Señor J. J. de Herrera's note to Señor Creus objectionable. His Excellency states therein that he is about to send to Señor Creus a copy of Senhor Saraiva's note of the 4th instant.

As that note has been returned to the writer, I do not see with what propriety a copy thereof can be forwarded to Señor Creus and his colleagues for transmission to their respective Governments.

A note returned to its author cannot surely be communicated to as many different foreign Governments as there happen to be foreign Representatives residing in a capital.

I have the honour to forward to your Lordship herewith a copy and translation of Señor J. J. de Herrera's note to Señor Creus.

Senhor Saraiva, when with me to-day, told me he was about to address a final communication to Señor J. J. de Herrera, and that he should leave for Buenos Ayres to-morrow or next day (the 11th or 12th) to await the reply there.

I called upon Senhor Loureiro, the resident Brazilian Minister, on the 9th instant, before Senhor Saraiva had had the answer of the Montevidean Government sent to him.

Our conversation naturally turned upon the probable character of the expected reply. Senhor Loureiro told me if it should prove not satisfactory his Government would have recourse to reprisals, in case of further illegalities being committed against Brazilians.

Since this despatch was begun I have received from Senhor Saraiva a copy of his notes of the 4th and 10th instant.

I have the honour to forward herewith to your Lordship the copy which Senhor Saraiva has placed in my hands of his note of the 4th instant addressed to Señor J. J. de Herrera, of which I have spoken at the commencement of this despatch.

I have further the honour to inclose two printed copies of Señor J. J. de Herrera's note of the 9th instant, addressed to Senhor Saraiva in reply.

I beg leave to transmit to your Lordship herewith the annexed copy and translation of Senhor Saraiva's note of the 10th instant, announcing to Señor J. J. de Herrera the termination of his Special Mission, and referring to the subject of reprisals, on which point I shall have the honour of addressing your Lordship in a separate despatch.

Inclosure 1 in No. 6.

Señor de Herrera to Señor Creus.

(Translation.)

M. le Ministre,

Monte Video, August 9, 1864.

HIS Excellency the President of the Republic orders me, while placing in the hands of your Excellency, and of your honourable colleagues of the Foreign Diplomatic Body residing in the Republic, the annexed document, to call your impartial attention to the development which the affairs are assuming, whereof I have spoken in my former circular communications addressed to the foreign Ministers.

Your Excellency will see that the differences of the Oriental State with that of His Majesty the Emperor of Brazil, represented at Monte Video by his Excellency the Councillor Saraiva, have reached a lamentable extreme.

In order to avoid this danger, which your Excellency will appreciate equally with the Government of the Republic, his Excellency the President of the Republic,

should the case arise, places entire confidence in the high impartiality and enlightenment of the Diplomatic Body, which perhaps, for the well-being of the dearest interests, national and foreign, may be called upon in this emergency to afford services of high consideration, as your Excellency will observe by the tenour of the annexed note, which the Oriental State has written in the hope that neither your Excellency nor your colleagues would refuse to assume the position of arbitrators.

Want of time prevents me to-day from inclosing in this note that of the Minister of Brazil, which brings about the resolution adopted by the Government, reserving to myself doing this shortly, as well also with respect to every other document bearing on the case, that your Excellency or your colleagues may desire to be acquainted with.

I have, &c.

(Signed) J. J. DE HERRERA.

Inclosure 2 in No. 6.

Senhor Saraiva to Señor de Herrera.

(Translation.)

M. le Ministre,

Special Mission of Brazil,

Monte Video, August 4, 1864.

THE Government of His Majesty the Emperor of Brazil has just ordered me to communicate to the Government of the Oriental Republic of the Uruguay the serious resolution which I come to make known to your Excellency.

Before doing so, permit me to recapitulate in brief terms the course of the negotiation which I entered upon, and which, to my regret, was not regarded by the Oriental Government with the good will counselled by the important interests it involved.

When the Government of His Majesty resolved to send me on a special mission to this Republic, it considered itself bound to make evident, in the most solemn manner, the motives of its proceeding, and the end which it purposed to attain;

The violences and the extortions, the robberies and the assassinations perpetrated in the territory of the Republic since 1852 upon Brazilian citizens, and in which there figured as accomplices ordering them, and even as executors, the very agents of the Executive Power;

The impunity, resulting from the negligence in the pursuit of the criminals, or from the scandalous sentences of the judges;

The indifference of the Executive Government, which did not listen with interest to the complaints of the Representative of that of His Majesty, nor proceed with decision respecting the delinquents or the authorities who protected them;

The gravity of such a situation, more especially in the Departments of the frontier, inhabited in the greater part by Brazilians;

The circumstance of these evils having become aggravated by the civil war which for nearly fifteen months has kept the interior of the country in permanent convulsion;

The impotence of the Government of the Republic to put down this intestine struggle, and much less to protect foreigners, these, on the contrary, being victims of the very chiefs of the legal army.

The conviction spread among my countrymen, whose number in the Oriental State probably exceeds a fourth of the total of its inhabitants, that the persecution of their persons and the devastation of their property is systematical.

All this, M. le Ministre, required that the Imperial Government, convinced of the inefficacy of its previous measures, should address the last amicable appeal to the Government of this Republic, from whose prudence it still hoped for the reparation due for acts of such notorious importance.

To insist on reparation on account of those crimes, to obtain that energetic and preventive measures should obviate their repetition, such, M. le Ministre, was a perfect right of the Empire, as well as a moderate pretention.

My Government without any reserve expressed in an explicit manner, in public documents, the motives of its proceeding and the end sought for, in the same manner that I afterwards did to your Excellency in my note of the 18th of May.

In the meanwhile, imputing to the mission with which I was charged the character of a threat, I was surprised to see that the official press did not cease endeavouring to irritate the popular prejudices against the policy of the Empire, and I had even the pain of being unable to remove the unfounded suspicions with which your Excellency appeared to me to be penetrated.

Under such circumstances it became my duty to protest, pointing out, as I did, the elevated views of the Imperial Government, always superior to the passions and interests of the parties which divide the inhabitants of the Republic; the solicitude with which it seeks to guarantee the rights of Brazilians domiciled here, as the only effectual means of separating them from whatever might attach them to the internal questions of the country they reside in; the nobleness with which, whatever may be its just resentment, it has always abstained from aggravating, by means of demands which, nevertheless, it was entitled to make, the precarious fate of the Oriental Government.

Always preferring to employ means worthy of a neighbouring and friendly people, I did not precipitate events, and in various conferences with your Excellency, and with his Excellency the President, I endeavoured to make evident the legitimacy of my claims.

It required, however, great moderation on my part to overcome the difficulties created by the official Press, fertile in seeking for fantastic terrors, unwearied in misleading public opinion and in attributing to my Government hidden intentions in language impossible to characterize without offence to the Oriental Government, which does not permit publications opposed to its policy.

Repressing my profound regret, and in the belief that the Government would at length resist the extravagant suggestions of the party of the situation, I had the honour to place in your Excellency's hands the note referred to of the 18th of May, accompanied with the statement of the facts constituting the pending claims.

I made use of moderate language; abstaining from considerations which might have disturbed the calm in which it appeared to me necessary to maintain the discussion, I confined myself to exposing and justifying the measures repressive of the crimes and abuses of authority, many of which are notorious to citizens and foreigners.

These measures are reduced to the following:—

1. That the Government of the Republic shall make effective the punishment, if not of all, at the least of those recognized criminals who go about with impunity, some of them holding posts in the Oriental army or occupying offices in the Civil Service of the State.

2. That the agents of police who have abused the authority with which they are invested be immediately dismissed and made responsible.

3. That competent indemnity be made for property of which, under any pretext, Brazilians have been despoiled by the civil or military authorities.

4. That all the Brazilians forced into the military service be set fully at liberty.

5. That the Government of the Republic issue, with all publicity, orders and instructions to its several delegates, condemning the scandals and outrages alluded to, recommending the utmost solicitude and watchfulness in the execution of the laws of the Republic, holding out the penalties which by those same laws are attached to their transgression, in such manner as to make effective the guarantees which they promise to the inhabitants of its territory.

6. That it issue, in like manner, orders and instructions for the perfect fulfilment of the agreement concluded, and subsisting by the reciprocal notes of the 28th November and 3rd December, 1857, to the effect of reciprocally respecting the certificates of nationality passed by the competent agents of the two Governments to their respective citizens.

7. Finally that it employ the necessary means to the effect that the Brazilian Consular Agents may be treated with the consideration and deference due to the position they occupy, respecting the attributions and privileges that pertain to them, either by the customs established among civilized nations, or by conventional right between the Empire and the Republic.

When I addressed myself to the good sense and to the honour of the Oriental Government, framing a demand of a character so moderate as that of these measures, which it is the duty of every civilized Government to adopt spontaneously without being urged by foreign Powers, for the well-being and tranquillity of those who in seeking its territory confide in the justice of the tribunals and in the agents of the public power, I was far from believing, M. le Ministre, that your Excellency in reply would have recourse, as is in the case in your note of the 24th May, to inopportune recriminations against the Government of His Majesty, with the intent to confuse and elude the discussion.

Adhering to the fatal determination not to regard international questions otherwise than through the prism of the party passions which disturb and ruin the country, the Oriental Government preferred to oppose to the claims of that of His Majesty the vulgar accusations of the misguided press, imputing to Brazil and to the Argentine Republic the responsibility of the present civil war. As if the neighbouring countries could participate in the deplorable errors of the internal policy of the Oriental State, whose

Government does not yet comprehend the duty of tolerance and moderation in the strife of parties, and whose history reduces itself to the banishment and execution of some citizens for the benefit exclusively of others.

Far from displaying intention to guarantee the subjects of His Majesty in any manner, the Government of the Republic confines itself to accusing them of assisting the rebellion, conceiving itself perhaps thereby exempted from the obligation to protect their lives and property, and thus accepting a complicity with the military chiefs who, under the orders of General Diego Lamas, the present Minister of War, devastated and even set fire to the farming establishments of Brazilians, under the futile pretext that they sympathized with the rebellion.

The fact was not forgotten that several of my countrymen had enlisted under the banner of Don Venancio Flores, many of them, it should be observed, victims of unpunished outrages, permitted or practised by the authorities, whilst the legal army reckons hundreds of foreigners forced into the military service. Appealing to that fact, however, the Government of the Republic could not suppose itself to be thereby allowed to exempt itself from the duty of not allowing that in its territory the foreigners, as has happened with some of His Majesty's subjects, should be with impunity staked to the ground, assassinated, and even flogged by order and in the presence of the superior authorities, as was practised by Don Leandro Gomez, Military Chief of the Department of Paysandu.

At the same time that your Excellency sought, in the note alluded to, to excite the national spirit against Brazil, the Government of the Republic neglected to promote the re-establishment of tranquillity and the harmony of all the Oriental citizens, by calling them to a centre of action against the dangers your Excellency denounced. This clearly proves that the Government of your Excellency dreaded nothing from those fantastical dangers, and that solely with premeditated intention it repeated the same vulgar errors of those who do not comprehend how much there was of nobleness and utility in the Conventions which gave existence to and insured the integrity and sovereignty of this Republic, worthy assuredly on every account of a better fate.

In the freedom with which your Excellency expressed yourself, you revealed that you could see nothing otherwise than through the prism of the internal questions, and that you confounded the serious and grave attitude of the Empire of Brazil with the interests in agitation among the dominant party in the Republic, and which threaten the existence of the present Government.

I need not insist on what I have already set forth in my note of the 4th June. I then demonstrated to your Excellency, by using the very significant words of your own correspondence with the Imperial Legation, that until a very recent date (31st December) the Government of the Republic had always shown itself very grateful for the efforts with which that of His Majesty sought to prevent and to repress the interference of Brazilians in the struggle going on in this country; that your Excellency several times called for the assistance of the delegates of His Majesty, and that it was never found to fail for that purpose; that assuredly no Brazilian would join the revolutionary forces if he found justice in the tribunals and protection from the authorities.

The intolerant policy of the Oriental Government obliged some of my countrymen to resort to arms to defend themselves and their families; and it is to be noted, M. le Ministre, that starting from this fact, without assigning the cause, your Excellency pretends to accuse my Government of concurring to the triumph of the rebellion.

This gave me the measure of the passions that prevail over the Government of the Republic, a victim to the most inexplicable hallucination.

The note, the sense of which I have just recapitulated, dispelled every hope I might have had of obtaining the guarantees and the reparations solicited by my Government.

If on that occasion, overcome by the manner in which your Excellency judged he might reply to my first note, as moderate as that of your Excellency was unbecoming, I might have answered with a laconic and decisive ultimatum to the formal refusal opposed by the Government of the Republic to the solicitations of that of His Majesty, I should assuredly have exercised a right which your Excellency stimulated me to avail myself of without delay. I did not do so, however, but on the contrary, faithful to the policy of forbearance which has distinguished the proceedings of the Government of the Emperor in its special relations with this country, I ventured, at the same time that I vindicated the offended honour of my country, and the rights of my countrymen, to offer friendly counsel to the Oriental Government in order that it might comprehend the fatality of its prejudices and the dangers of its course of proceeding.

My Government will always approve the moderation of its Representative in this Republic—of this I was assured; and I felt myself bound not to break off the negotiations

before exhausting the last hope of conciliation. I considered that it behoved me to point out to the Oriental Government the practical means of qualifying itself to resolve speedily the international questions, which was by the pacification of its country.

In order that no shadow of doubt may remain as to the sincere interest once more displayed by the Government of His Majesty in the fate of the Oriental State, far from rejoicing at the struggles by which it is becoming exhausted, I will copy literally the words I made use of in my note referred to of the 4th of June, and which recapitulate the same idea of my conferences with your Excellency and with his Excellency the President:—

“Respect of the principle of authority,” I said, “is certainly of the highest interest to the Republic, and its most palpable necessity. In the prevalence of this principle the Imperial Government has always founded its most earnest hopes on behalf of the rights and interests of its citizens. The war, however, prolonged to an unforeseen term, weakens more and more that principle, developing habits of brigandism. Repression is the really legitimate means of putting an end to civil wars. In order to its being advantageous, however, it requires that the Government employing it possess sufficient force to make it effectual, and sufficient superiority of spirit to extinguish, by clemency and generosity, the passions which originated the war, and the hatreds created by it. Without this the continuation of civil war is worse than its disappearance by means of compromises that remove the present state of anarchy, leaving to future Governments the care of extinguishing by degrees the germs that may reproduce these crises fatal to the infancy of nations. To render peace impossible by that means, when civil war cannot be put down, appears to me, M. le Ministre, a fatal policy. Speaking of peace I cannot omit to make known the earnest desire for it felt by the Imperial Government and the hopes it entertains of seeing it resolve our international difficulties. Peace alone can render acceptable the wish your Excellency reveals to enter upon arrangements which, suppressing the respective accusations, may leave the two Governments to the investigation of the means of removing the evils of the present and preventing their reproduction.”

Awaiting the orders of the Imperial Government, whom I immediately informed of the negative reply opposed to the claims, I entertained anxious hopes that the Government of the Republic would reflect on the gravity of the situation and on the responsibility it assumed.

A supreme effort of patriotism and disinterestedness might restore peace to the Oriental State by means of reasonable compromise.

Freed from the preoccupations of internal policy which cause it to be so suspicious and intractable towards the Empire, the Government of the Republic would come to understand the necessity of cementing the friendly relations that should be cultivated by all Brazilians and Orientals, as is required by the reciprocal interest of both countries.

It was not I alone who in the internal peace of the Oriental State founded the hope of the complete solution of international questions, of the difficulties that surround its Government and isolate it from its neighbours.

The labouring population of the Republic and its most notable men held the same sentiments.

The enlightened Government of the Argentine Republic, nobly overcoming the distance that separated it from the Oriental Government, with which it had interrupted its diplomatic relations, sent to this capital a person of high position and superior merit, the Minister for Foreign Affairs, in order to conduce to the realization of peace so ardently desired by all.

And in order to mark the generous character of the steps taken in this sense, it is sufficient to say that the noble gentleman, who represents with so much dignity the Government of Her Britannic Majesty at Buenos Ayres, did not hesitate to lend his valuable co-operation.

The honourable Ministers to whom I have alluded, MM. Elizalde and Thornton, acquainted with the intentions and the object of the special Mission of Brazil, acted in perfect accord with me; and all of us during many days, exposing our patience to the severest trials, considered that we had made on behalf of the pacification of the Oriental State all the efforts possible, amidst the prejudices of party and of the interests threatened, and in spite of the injustice of the official press itself.

These efforts, although arising out of sentiments, ill appreciated it is true, but of which assuredly we are proud, failed of success from causes that are publicly known. Peace depended upon a fundamental condition inserted in the letter of General Venancio Flores, which your Excellency is acquainted with. That condition having been refused by his Excellency the President, with whom it depended, the negotiation was frustrated.

But the fact of its having been undertaken particularly by the Representatives of the two border countries whose Governments your Excellency accused of complicity with the revolt, and of contriving the ruin of the Oriental State, proves, in every light, M. le Ministre, two truths which it is necessary for me to point out.

The first, that if the intentions of the Governments of the two neighbouring countries were not very noble and avowable, their agents would not have sought with so much earnestness to bring about a peace, but would rather have been indifferent to the prolongation of the war and to the fate which its result may bring upon the Oriental Government.

The second, that if the civil war disturbs the tranquillity of the Republic, it does not less injure the interests of the bordering countries, whose pending questions can only be well resolved under the normal regimen created by the re-establishment of order.

The hope of effecting the internal peace being dispelled, I found myself at the point where the first note of your Excellency had left me.

I then solicited the last orders of my Government, giving to the Republic, in the meanwhile, time to reflect upon the difficulties of its position, and to bring about of itself the peace of the Oriental State, which it alleged had not been realized in consequence of the foreign pressure.

I have, therefore, M. le Ministre, exhausted every possible exertion to preserve to my mission the amicable character given to it by the Government of His Majesty as the real interests of the empire and of the Republic demand.

Now, however, no other course is left to me than to fulfil the orders of my Government.

In virtue thereof I come to notify to your Excellency the last friendly appeal which the Government of His Majesty the Emperor of Brazil addresses to the Government of the Oriental Republic of Uruguay, soliciting the satisfactions asked for in my note of the 18th of May, in the form therein contained and above transcribed.

And if within the peremptory term of six days, reckoned from this date, the Oriental Government shall not have attended to the claim of the Imperial Government, not being able for any longer time to tolerate the molestations and persecutions undergone by its countrymen, being under the inevitable necessity of protecting them by every means, I am empowered to declare to your Excellency as follows:—That the forces of the Brazilian army stationed on the frontier will receive orders to proceed to reprisals whenever violence is used against His Majesty's subjects, or their lives or safety endangered, it being incumbent on the Commander to proceed in the manner most suitable and effectual to furnish the protection of which they are deprived.

That likewise the Admiral, Baron de Tamandaré, will receive instructions to protect in the same manner, with the forces of the squadron under his orders, the Consular Agents and Brazilian citizens receiving offence from any of the authorities, or from persons incited to misconduct by the violence of the press, or at the instigation of the said authorities.

The reprisals and the measures to guarantee my countrymen above indicated, are not, as your Excellency is aware, acts of war; and I hope the Government of this Republic will avoid increasing the seriousness of those measures, preventing lamentable occurrences, of which the responsibility will lie exclusively upon that Government.

It is incumbent on the Oriental Government to consider the embarrassments and to measure the consequences of the position which it assumes.

It is bound to reflect that whatever may be the supervening consequences, it must complain solely of itself and of the pertinacity with which it has chosen to ignore the gravity of the situation of the country.

Fulfilling thus the orders of my Government, I renew, &c.

(Signed) JOSE ANTONIO SARAIVA.

Inclosure 3 in No. 6.

Señor de Herrera to Senhor Saraiva,

(Translation.)

M. le Ministre,

Department of Foreign Affairs,

Monte Video, August 9, 1864.

BEFORE making known to your Excellency the resolution of his Excellency the President of the Republic, on making himself acquainted with the note which I received from your Excellency on the 4th instant, at 10 o'clock A.M., bearing date the same day, I find myself under the necessity of recapitulating in brief terms the course of the nego-

tiation commenced by your Excellency and the conduct observed therein by the Government of the Republic.

Simultaneously with the announcement of your Excellency's mission to the Government of the Republic, the news arrived at Monte Video of the preparation of forces by sea and land, explained by the Minister for Foreign Affairs of the Empire as a measure required in order to support the mission of your Excellency, which was to make the last friendly appeal to the Oriental Government, with which up to that moment the Government of His Imperial Majesty was on the best understanding, as is proved by the documents of the time.

This circumstance and the debates which unexpectedly arose in the Brazilian Chamber, as also the announcement made to me by his Excellency Senhor Loureiro, that your Excellency was about to come to the Republic to open a new aspect of the policy of the Empire relatively to this country, maintained until then on cordial terms, caused the Government of the Republic and public opinion throughout the River Plate to regard the mission of Councillor Saraiva as an event of grave importance.

Under the same impression, the Argentine Minister at Rio de Janeiro considered himself called upon to ask for explanations of the Government of His Imperial Majesty.

The Government of the Republic, in its turn, requested of the Resident Minister of Brazil at Monte Video explanations respecting the preparation and movement of forces with the objects indicated in the declaration of the Minister for Foreign Affairs of the Empire, which explanations it could not obtain from his Excellency Senhor Loureiro, who, remaining silent, notwithstanding repeated solicitations, obliged my Government to address to your Excellency the note of the 16th May.

The extraordinary mission thus characterised, your Excellency having arrived at Monte Video under such auspices of Brazil, the Oriental Government conceives that its having participated somewhat in the general alarm should not cause surprise, especially if it be borne in mind that the chief elements of the rebellion, headed by Don Venancio Flores, were then, as now, Brazilians, considered by the Minister for Foreign Affairs of the Government of His Majesty the Emperor as the first contingent to the invasion, and that in the Brazilian Parliament itself their number was represented, without contradiction, as amounting to 2,000.

The first official step of your Excellency was to address to the Oriental Government the note of the 18th May, presenting a series of reclamations for occurrences which had taken place since 1852, almost wholly prior to the present war, and consequently long anterior to the period of the present Administration.

That series of reclamations was explained and commented upon by your Excellency in the note referred to with the most unfavourable and offensive judgment of the Governments which have succeeded each other in the Republic from 1850 to this time, and of the character and state of civilization of the inhabitants of this country, your Excellency going so far as to pretend to justify the repeated participation, recently condemned by your Government, of the Brazilians who, with arms in their hands, and under the orders of Don Venancio Flores, invaded the Republic.

In that note, explaining in your way the origin of present events to which it refers, your Excellency put forward the demand for obtaining, with the utmost urgency, the satisfaction due and the measures which, in your Excellency's opinion, would obviate the repetition of similar occurrences.

That communication, which your Excellency called a last amicable appeal, and which your Excellency moreover considers extremely moderate, and even friendly, in matter and in form, was answered by my note of the 24th May.

The unjust accusations addressed by your Excellency being replied to in that note, and explaining the real origin and true tendency of the events which have disturbed the peace and prosperity enjoyed until lately by the Republic, setting forth the means to be employed concurrently to prevent their recurrence, and abounding in assurances of the exalted views of my Government and of its desire, in behalf of the dearest interests of the Republic, to reconcile the maintenance of the most cordial relations with that of His Majesty the Emperor of Brazil, with the respect due to the principles of order and authority in the Republic, I stated to your Excellency :—

“ But, therefore, and with regard to any just reclamation adduced or to be adduced by the Imperial Government, and in order to place the Oriental Government on the footing upon which it accepts all discussion, the Undersigned is ordered to declare to his Excellency Councillor Saraiva, frankly and sincerely, that it is the decided intention of the Government of the Republic to give attention to every claim or representation founded on right tending to protect the legitimate interests of the Brazilian population resident in this territory.

"In acting thus, the Oriental Government does not consider that it makes concessions to the neighbouring empire, it considers that it performs an act of justice, which is equivalent to saying, an act in its own interest; and far from supposing that the frank and well-founded exposure by the Imperial Government of an abuse or outrage against those legitimate interests would give cause of anger or offence to Government of the Undersigned, it may be held as certain that such an exposure will in all cases be considered as a support and assistance to the intentions of this Government.

"To protect efficiently the legitimate foreign interests attached to the country, to protect them by rendering practical the liberal institutions of the Republic which protect all its inhabitants, is a duty and a national expediency, and it is because it ought without difficulty to be so understood that, from wherever the notice may come that the proper security does not prevail, the public authority will rejoice in removing or suppressing the abuse. And whenever the exposure of the want of security shall come accompanied by proof of complicity on the part of any one dependent on authority, the Government will lament to find itself ill-served, but will not recede from the duty and the expediency of adequate chastisement.

"The Government did not see, nor does it see, disgrace in this mode of proceeding.

"Disgrace there is for a Government when it becomes the concealer or the tolerating witness of an abuse against the rights of another.

"The disposition being thus set forth in which the Government of the Republic finds itself for treating affairs with that of His Imperial Majesty the Emperor of Brazil, as with any other friendly Government, the Undersigned will proceed to enter upon the substantial part of the note of his Excellency."

This declaration of the principles which govern the policy of the Oriental Government being made, it was not possible, in the situation through which the country is passing, and to which situation, my Government is convinced, the Brazilian elements recruited on the frontier and the absence of repressive measures for its prevention have principally conduced, inasmuch as it is not aware that any one of those measures which were promised has been carried into execution, it was not possible, I repeat, in such a situation, not to call your Excellency's attention to the unseasonableness of the urgent reclamations above mentioned.

The Government believed then, and still believes, that the difficult and afflicting situation in which this country is, was not the opportune moment for the new aspect under which, according to the expression of his Excellency Senhor Loureiro, the Brazilian policy represented by his Excellency Councillor Saraiva was to be displayed; and I make use of his Excellency Senhor Loureiro's expression because it serves to establish perfectly the sudden, unforeseen, violent change in the relations of his Excellency's Government towards that of the Republic, as is shown by documents of very recent date.

The Government did not and does not believe that after a period of twelve years and of a succession of different Administrations in this country, the present moment is opportune for Brazil to exact and for the Republic to satisfy.

For this reason I stated in my note in answer, to which I continue to refer:—

"That which is demanded, at the season in which the demand is made, would be the sacrifice of the principle of order and authority, and the Government of the Republic will preserve this or lose itself; clinging to that saving principle of the nationality it presides over.

"What is pretended would establish the most fatal precedent.

"The result would be, for the present case, that the Brazilian invasion was in the right; that the criminal would have been the Oriental Government, that it would be for this Government to give satisfaction, and that only after that this had been given, whereby the said invasion would remain justified, the Brazilian Government would have the power, and would come under the obligation, of causing the outrages of its subjects against the institutions to cease, that is to say—after those bands of freebooters (because they were born in Brazil) had imposed on the Oriental Government the sacrifice of the principle of authority; and there would result in favour of every similar outrage in future that it would be sufficient for those criminals to invent the same pretext that they put forward now, inasmuch as, when at their worst, they would apply for support to the diplomacy of Brazil, which would not fail them, as it does not fail them now, because of the error the Brazilian Government lies under, being made to understand that it is placed at the service of legitimate interests of the Brazilian population residing in the Republic.

"Since the Undersigned has made to his Excellency the Minister of Brazil the frank declarations contained in the first part of this note, to the effect of not resisting any just demand of the Imperial Government in favour of the subjects of His Majesty in the Republic, by which he gives a most eloquent testimony of his friendly dispositions, the

more to be esteemed as it is given at a time when the Oriental Government sees itself cruelly hurt by serious disregard on the part of that of His Majesty; after those declarations, the Undersigned repeats, your Excellency will understand that this is not the moment to satisfy a certain class of demands.

"The Brazilian contingent which accompanies Don Venancio Flores being disarmed or overcome, and your Excellency placing the due reliance on the aforesaid declarations, all will be easy, all will come into its place, we shall all come within the sphere of rights."

I need not add another word in order to its being solemnly established that the Oriental Government instead of closing its ears against the demands of the Government of Brazil in behalf of its subjects, instead of manifesting ideas and sentiments less worthy and noble than those which his Excellency Senhor Saraiva has expressed in the name of his Government, it has evinced them in the most explicit terms, and also, I may affirm, by most well-known facts.

It has only denied, as the Oriental Government considers most evidently just to deny, the seasonableness of the requirements set forth by his Excellency Senhor Saraiva, and their urgency, and the form in which they were made.

Notwithstanding the justice of the observations made to the Minister of Brazil in the aforesaid note, his Excellency wrote that of the 4th of June, which expressed opinions concerning things of the country even to those of its internal political regimen.

While insisting on your previous demands, your Excellency, nevertheless, acknowledged that the pacification of the country would afford the main solution of the existing difficulties, and the present and future security of the persons and interests of your countrymen established in the Republic.

It is evident, therefore, that although in a very different spirit, your Excellency's conclusions accorded with the opinions manifested on the part of the Government of the Republic, that during a time of war and of difficulties created by the parties themselves whom it was sought to protect, it was not opportune to put forward or to accede to claims of the nature of those presented by your Excellency.

Fortunately for the favourable turn of the discussion with his Excellency Councillor Saraiva, which threatened to become irritating and impossible if my reply had been assimilated to the terms of that of his Excellency of 4th June, their Excellencies the Ministers Elizalde and Thornton made, on the 6th June, two days after, another attempt, to whom his Excellency Senhor Saraiva joined himself, who congratulated the Oriental Government on the prospect afforded of an arrangement of the affairs he was charged with, through the means, the only one, of pacification, that is, the disarming of those on whose behalf he had made his claim.

This circumstance caused the suspension (by fear on the part of the Oriental Government that it might be an obstacle) of the answer required to the said note of his Excellency of the 4th.

The notes exchanged between your Excellency and the Government of the Republic being set aside from the consideration of the moment by both, since the conviction had arisen that the solution was to be sought in a situation of peace, and the Government having proceeded in a manner that was considered satisfactory by his Excellency the Minister of Brazil, agreeably to the new aspect presented by affairs, when all the concessions were made which had been asked of the Government with a view to arrive at a pacification, his Excellency was pleased to congratulate sincerely my Government upon a measure (the concessions of the 23rd June additional to those of the 10th) of such high and important consequences as would obtain the warmest approbation of the Government of His Majesty the Emperor, and to acquaint me that it was beyond measure agreeable to express to me anew that your Excellency was readily disposed to enter upon the necessary arrangements with the least possible delay (note of his Excellency of the 25th June).

This declaration of your Excellency, renewing those already made after the 6th June, definitely persuaded the Government that a favourable and friendly termination of the matters brought forward by his Excellency the Envoy Extraordinary of Brazil was near at hand.

In order to prevent delay, on its part, the Government ordered me to notify to your Excellency, as I did in my note of the 28th of the said month, the appointment of Plenipotentiaries whom it had named for the purpose of facilitating the arrangement. These were Señores Lamas and Juanicó.

Your Excellency having accepted Señor Andres Lamas, objected to the appointment of the second, and in virtue of a representation made in your name to his Excellency the President of the Republic by the Ministers Elizalde and Thornton and to me by Senhor Loureiro, his Excellency the President had the condescension to withdraw the note in

which the appointment of Plenipotentiaries had been notified to Councillor Saraiva, the execution of the Decree being suspended the same day, whereby his Excellency considered that he gave testimony, which was acknowledged, of a spirit of conciliation and of his marked consideration towards the Envoy Extraordinary of His Majesty the Emperor.

Such was the situation when, from causes that are consigned to public documents, the rupture of the peace arrangements was produced.

The demand for a Ministerial change having arisen outside the pale of the conditions agreed upon with his Excellency and his honourable colleagues, and his Excellency the President of the Republic having also assented thereto, the rupture supervened because the Chief of the State did not accept the candidates presented to him nominatively by his Excellency Councillor Saraiva, supported by his colleagues, not so much because demanded by Don Venancio Flores as being a guarantee for Brazil.

Disregarding the declarations of the above-mentioned note of your Excellency of the 25th June, your Excellency withdrew to Buenos Ayres, declaring to me that in order to pronounce your last word to the Oriental Government you required, according to your instructions, to seek the concurrence of the Argentine Government, the determination and consequent absence of your Excellency making it impossible to continue with your Excellency the negotiation begun relative to your claims.

Your Excellency having returned on the 4th instaut, considered it your duty to address on the same day to the Government of the Republic the note to which I have made reference at the commencement of this communication.

In this note, written in a tone and in terms which the Government does not find it necessary to characterize, and contrasting most inexplicably with the approbation obtained from your Excellency by the Government for its recent testimonies of goodwill towards your Excellency, and its spirit of conciliation carried to the extreme, the following paragraphs occur :

"Adhering to the fatal resolution not to regard international questions otherwise than through the prism of party passions which disturb and ruin the country, the Oriental Government prefers to oppose to the claims of that of His Majesty the vulgar accusations of the unbridled Press, imputing to Brazil and the Argentine Government the responsibility of the present civil war, as if the neighbouring countries could participate in the deplorable errors of the internal policy of the Oriental State, whose Government does not yet comprehend the duty of toleration and moderation in the struggles of parties, and whose history reduces itself to the banishment and execution of some citizens for the exclusive benefit of others.

"Far from manifesting an intention to guarantee in any manner the fate of His Majesty's subjects, the Government of the Republic limits itself to accusing them of assisting the rebellion, conceiving itself perhaps not bound for that reason to protect their lives and property, thus assuming complicity with the military chiefs, who under the orders of General Diego Lamas, the present Minister of War, devastated and even set fire to the estancias of Brazilians, under the futile pretext that they sympathized with the revolt.

"Invoking this fact, however, the Government of the Republic could not thereby consider itself relieved from the obligation not to permit that a foreigner within its territory, as has happened with some of the subjects of His Majesty, should with impunity be staked to the ground, assassinated, and even flogged, by order and in the presence of the higher authorities, as was done by Don Leandro Gomez, Military Chief of the Department of Paysandu.

"The intolerant policy of the Oriental Government forced some of my countrymen to have recourse to arms in defence of themselves and their families ; and it is remarkable, M. le Ministre, that, starting from this fact without assigning the cause, your Excellency should accuse my Government of lending its aid towards the success of the rebellion.

"This gave me the measure of the passions that prevail over the Government, a victim to the most inexplicable hallucination."

And your Excellency concludes by exacting that the Government of the Republic shall lend itself to give the satisfactions demanded, under penalty in case of not submitting to the demands of your Excellency within the term of six days, of orders being given to the maritime and land forces of the empire to make reprisals in such manner as may be most suitable and efficacious in the opinion of the military chiefs commanding the said forces.

The surprise was not less than the painful impression received by his Excellency the President of the Republic on making himself acquainted with the note of his Excellency Councillor Saraiva.

In his opinion, the terms your Excellency has allowed himself to use in addressing the Government of the Republic are not admissible, nor is the threat admissible.

For the Government of the Republic reason and justice are always the same, and it will respect and uphold them equally in discussion as in the face of force and menaces.

Therefore it is that I have received the order of his Excellency the President of the Republic to return to your Excellency as inadmissible the ultimatum which you have addressed to the Government.

It cannot remain in the Oriental archives.

The Government has already said, as is recorded in this note, that its principles are obligatory to make it give attention to every just claim laid before it by the Government of Brazil, hoping that this Government will proceed in like manner in regard to the Oriental Government; but at this time, after the threat, it believes, as before, that the present occasion is unseasonable for satisfying claims evoked from twelve years backwards, and which are put forward to justify those persons who are in arms against the institutions of the Republic.

Notwithstanding this conviction, and considering the little confidence the Government retains of arriving at an arrangement of the existing difficulties with his Excellency Councillor Saravia, and with the desire to remove every pretext of inconvenient or unjust proceeding in its relations with that of His Imperial Majesty, the Government, through me, proposes to your Excellency, as the most unobjectionable means, and one which no claim founded on justice can repel, the submission by common accord of the present difference between the two Governments to the arbitration of one or more Powers of those represented in Monte Video by their Excellencies the Ministers of Spain, Don Carlos Creus; of Italy, Don Rafael Ulises Barbolani; and MM. the Chargés d'Affaires, of Portugal, Don Leonardo da Souza Leite Acevedo; of France, M. Martin Maillefer; of Prussia, Herr Herman von Gulich; and of England, William G. Lettsom, Esq.

The arbitrators will decide upon the seasonableness of the claims brought before the Oriental Government by that of Brazil, and forthwith, if the seasonableness be declared, they will propose the practical means of proceeding to the examination and satisfaction of the reciprocal claims pending.

The Government of His Majesty the Emperor of Brazil having accepted the principles of the Congress of Paris, and having recently put them in practice in its differences with one of the great Powers signing in that Congress, the Government of the Republic cannot believe your Excellency will refuse this proposal.

I repeat, &c.

(Signed) JUAN JOSE DE HERRERA.

Inclosure 4 in No. 6.

Senhor Saraiva to Señor de Herrera.

(Translation.)

M. le Ministre,

Special Mission of Brazil,

Monte Video, August 10, 1864.

THE Oriental Government having resolved not to attend to the last amicable appeal which the Government of His Majesty the Emperor, through my intervention, addressed thereto in favour of the justice and protection due to the Brazilians residing in the Republic, refusing to cause to be punished the grave illegal proceedings and abuses of authority set forth in my note of the 18th May; and as your Excellency proposes to me, under yesterday's date, an expedient which eludes the question or augments the difficulty; it being on the contrary urgent to provide means in favour of the security of the life and property of the Brazilians domiciled in the interior departments, and in manifest danger in the centre of the disturbances of this country, which unfortunately become aggravated and are prolonged, I find myself in the imperious necessity of announcing to your Excellency that, according to the orders of my Government, instructions are about to be sent to Admiral Baron de Tamandaré and to the Commander of the military forces stationed on the frontier, that they should proceed to reprisals, and that they should employ the most suitable means in order, by themselves, to render effective the protection to which Brazilian subjects have a right, and which the Government of the Republic cannot assure to them.

In order that your Excellency may be fully informed of the resolution of the Government of His Majesty, it is my duty to assure you that that Government is of opinion it is its duty to remain in this attitude as long as the Oriental Government does not adopt the measures and give the satisfaction which are demanded, or does not give satisfaction for the offences committed against the Brazilian nation.

In addition; since the chief design of my Government is to guarantee for itself the personal security and that of the property of its co-citizens until the fulfilment of the laws of the Republic is rendered effective, my Government will not hesitate, moreover, in proceeding to especial reprisals with respect to every one of the occasions that have occurred, as well also in increasing the gravity of the measures that are about to be authorized if the attitude which it assumes should not be adequate for attaining all that in its name I demanded in my note above referred to of the 18th May.

Such, M. le Ministre, is the determination of my Government in view of the negative answer of the Oriental Government, which is set forth in the note of yesterday's date which I return to your Excellency, not only for the reason that your Excellency invokes to justify a similar proceeding, that is to say, from its being drawn up in terms that I do not desire to qualify, but from its containing strange inaccuracies of facts, which it would be useless to explain.

Declaring thus the special mission with which I was charged near the Oriental Government to be terminated, I have, &c.

(Signed) JOSE ANTONIO SARAIVA.

No. 7.

Mr. Lettsom to Earl Russell.—(Received September 19.)

(Extract.)

Monte Video, August 12, 1864.

THE Brazilian Consul-General called on me to-night, and spoke to me of "reprisals" as being about to be had recourse to by his Government in case further illegalities should be committed against his countrymen resident in this Republic.

I told him I was much interested in learning what those reprisals were to consist of, as, among other reasons, there are various English subjects carrying on the coasting trade under the Oriental flag, and that I hoped, naturally, their property would not be interfered with.

He replied that this matter had been fully talked over, and that it was resolved not to meddle with property of that nature.

That the vessels of war belonging to the Oriental Government would be the chief objects of attack; that at Monte Video nothing would be done, but that such towns as Salto and Paysandú might perhaps be taken possession of.

My impression is that the Brazilian Government does not very well know what it intends doing to ensure satisfaction for any new injuries that may be inflicted on its subjects here, and I cannot but think the Cabinet of Rio de Janeiro would be happy to see its way out of the difficulties in which it finds itself involved by its recent proceedings with respect to this Republic.

No. 8.

Mr. Lettsom to Earl Russell.—(Received September 19.)

My Lord,

Monte Video, August 13, 1864.

I HAVE the honour to transmit to your Lordship herewith copy of a communication that I have addressed to Senhor Loureiro, the Brazilian Minister resident, requesting his Excellency to furnish me with explanation as to the nature of the reprisals which the Government of the Emperor of Brazil have in contemplation to have recourse to, in order to secure reparation for injuries inflicted on Brazilian subjects residing in this country.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure in No. 8.

Mr. Lettsom to Senhor Loureiro.

Monte Video, August 13, 1864.

M. le Ministre,
HIS Excellency the Councillor Senhor Saraiva, prior to leaving Monte Video, was so good as to forward to me, by order of his Government, a copy of his Excellency's notes

to the Government of the Republic of the dates respectively of the 4th and of the 10th instant.

Senhor Saraiva having quitted Monte Video, I have to request your Excellency to convey to his Excellency the expression of my sincere thanks for the communication to me of those important documents, which I shall lose no time in placing in the hands of Earl Russell.

There are, however, some expressions in the notes of his Excellency Senhor Saraiva respecting which, from their vagueness, I shall take it as a favour if your Excellency would be so kind as to afford me some explanation—I allude to what Senhor Saraiva says respecting reprisals.

There are, as your Excellency is doubtless aware, numerous British subjects concerned in the internal trade and commerce of this Republic, and it would naturally be grateful to me to receive from your Excellency the assurance that their interests will not be exposed to injury from the measures which the Government of the Emperor of Brazil contemplates the possibility of having recourse to.

Hoping that your Excellency will be able to acquaint me that I need be under no apprehension on this head, I have, &c.

(Signed) W. G. LETTSOM.

No. 9.

Mr. Lettsom to Earl Russell.—(Received September 19.)

My Lord,

Monte Video, August 14, 1864.

THE Italian Minister, the Chargé d'Affaires of Portugal, of France, and myself met on the 12th instant at the house of Señor Creus, the Minister of Spain, to deliberate upon the answer to be returned by the latter to the note of Señor J. J. de Herrera, suggesting that one or more members of the Diplomatic Body here may possibly be called upon to bring about, by arbitration, a settlement of the difficulties existing between this Republic and Brazil.

I have the honour to transmit to your Lordship herewith copy and translation of the reply which we agreed upon should be given to Señor J. J. de Herrera.

Senhor Loureiro, the Brazilian Minister, was not present at this meeting.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure in No. 9.

Señor Creus to Señor de Herrera.

(Translation.)

M. le Ministre,

Spanish Legation, Monte Video, August 12, 1864.

I HAVE lost no time in bringing to the knowledge of my colleagues MM. the Minister of Italy and the Chargés d'Affaires of Portugal, France, and England the note which your Excellency did me the honour to address to me on the 9th instant, in my character of senior member of the Diplomatic Body, with the object of setting forth the lamentable situation at which the painful disagreements had arrived between the Oriental Government and that of His Majesty the Emperor of Brazil.

The Diplomatic Agents above spoken of having met at my house, we have agreed on replying to your Excellency that we lament deeply that the proposal of arbitration drawn up by the Government of your Excellency should not have been accepted by the Envoy Extraordinary of His Majesty the Emperor of Brazil; and, in consequence, there is no reason to ask, with respect thereto, instructions from our respective Governments. While conveying to your Excellency the expression of the regrets of my colleagues and of myself, I cherish the flattering hope that the actual complications may yet arrive at a satisfactory solution.

I avail, &c.
(Signed) CARLOS CREUS.

No. 10.

Mr. Thornton to Earl Russell.—(Received September 19.)

My Lord,

Buenos Ayres, August 11, 1864.

M. SARAIVA, Brazilian Minister on a special mission to the Republic of the Uruguay, having received instructions from his Government, left Buenos Ayres for Monte Video on the 3rd instant, with the intention of presenting a note to the Monte Videan Government demanding satisfaction for many injuries suffered of late years by Brazilian subjects at the hands of Monte Videan authorities. This note, as I understand, was sent in on the 4th instant, with an intimation that an answer must be returned within six days.

M. Leal, the Brazilian Minister resident here, called on me the day before yesterday, and said that he had been requested by M. Saraiva to communicate to me the contents of the note which he had addressed to the Monte Videan Minister for Foreign Affairs. It is very long; but its most important points are demands for the punishment of military and police authorities who have committed outrages upon Brazilian subjects, the arrest and trial of others accused of crimes against them, due respect for the Brazilian Consular Agents, and a guarantee for the future protection of Brazilians residing in the Republic of the Uruguay. The note further contains a declaration that, if within six days a satisfactory answer shall not have been received, orders will be given to the Imperial Army and Navy to make reprisals upon Monte Videan citizens whenever a case may occur of a Brazilian being injured in his person or property in Monte Videan territory.

M. Barbolani, during his late visit here, endeavoured to persuade M. Saraiva to delay the execution of his instructions until the former should have carried out his intended interview with General Flores; but M. Saraiva replied that this would be out of his power, and urged, on the contrary, that the note he was about to send in might, rather than otherwise, tend to quicken the desire of the Monte Videan Government to come to terms with General Flores.

I have, &c.

(Signed) EDWD. THORNTON.

No. 11.

Earl Russell to Mr. Lettsom.

Sir,

Foreign Office, September 22, 1864.

I HAVE received your despatches to the 14th August.

I approve of the steps which, as reported in your despatch of the 13th of August, you took to ascertain the nature of the reprisals which the Brazilian Government contemplate to enforce against Monte Video.

I am, &c.

(Signed) RUSSELL.

No. 12.

Mr. Lettsom to Earl Russell.—(Received October 1.)

My Lord,

Monte Video, August 22, 1864.

IN my despatch of the 13th instant I transmitted to your Lordship copy of a letter addressed by me to Senhor Loureiro, the Brazilian Minister, requesting him to be so kind as to favour me with explanations as to the manner in which the measures of reprisals which the Government of Rio de Janeiro contemplate having recourse to for the protection of Brazilian subjects may be likely to affect the interests of British subjects connected with this Republic.

I have now the honour to forward to your Lordship a translation of Senhor Loureiro's reply to my letter above spoken of.

His Excellency, it will be seen, states that neither the legitimate interests of British subjects nor those of the subjects of other foreign nations will be affected by the measures that his Government may have recourse to.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure in No. 12.

Senhor Loureiro to Mr. Lettsom.

(Translation.)

M. le Chargé d'Affaires,

*Imperial Legation of Brazil,**Monte Video, August 20, 1864.*

I HAVE the honour to acknowledge the receipt of the note which, in the absence of the Councillor J. A. Saraiva, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, on a special mission near the Government of this Republic, you do me the honour to address to me under date of the 13th instant, acquainting me that you had received, and would lose no time in transmitting to Earl Russell, the important documents which, by order of the Imperial Government, the said Councillor forwarded to you, with the view of making you acquainted with the situation arising out of the negative result of his mission.

In the latter portion of the note above spoken of, referring to the reprisals which the Imperial Government resolve to direct to be carried out, Mr. Lettsom expresses the wish to obtain explanations that may remove from his mind the apprehension that they may affect the interests of the numerous subjects of Her Britannic Majesty engaged in the internal and foreign commerce of this Republic.

I shall lose no time in forwarding to my Government the note of Mr. Lettsom. In the meanwhile it is extremely agreeable to me at once to satisfy the desire therein set forth in terms of so much courtesy.

The Government of the Emperor resolve to have recourse to the employment of reprisals (which is the method recognized by countries, and authorized by the law of nations for obtaining justice when it is denied) in consequence of the Oriental Government having refused to adopt the measures which are indispensable for the reparation of the oppressions and persecutions exercised against the Brazilians residing in this country, and with the view of guaranteeing their life and property, rendering thus effective the protection to which they have a right, and which the Government of the Republic will not insure to them.

These reprisals, then, both from their character and also from the twofold purpose to which they are destined, will be, of necessity, carried out against property held to be Oriental, it being entirely foreign to the intention of the Imperial Government that the said reprisals should compromise the legitimate interests of the subjects of Her Britannic Majesty, or those of any other nationality.

Replying in this manner to the note of Mr. Lettsom, I avail, &c.

(Signed) J. A. LOUREIRO.

No. 13.

Mr. Lettsom to Earl Russell.—(Received October 19.)

My Lord,

Monte Video, September 1, 1864.

AFTER the Councillor Senhor Saraiva left for Buenos Ayres, as stated by me to your Lordship, Senhor Loureiro, the Brazilian Minister, told Señor J. J. de Herrera, that being desirous that matters should not take a still more complicated turn, he thought it proper to inform him that it would be advisable the Oriental vessels of war should not leave the ports where they are stationed, as should they do so the Brazilian navy had orders to stop them.

Señor J. J. de Herrera, as I learn, thanked Senhor Loureiro for this information, but I am informed that the President, on its being reported to him, said he could not undertake to give heed to such an intimation.

On the 26th August the Oriental war-steamer "Villa del Salto" was in the Argentine waters near Landa in the Uruguay, on duty by order of Colonel Leandro Gomez, Commander at Paisandu, when a Brazilian gun-boat hailed her with a speaking-trumpet, ordering her to stop, which she did not.

The Brazilian gun-boat then fired two shots, not in the direction of the steamer, to get her to stop; still she did not, and when the steamer had got a still further distance the gun-boat fired another shot. The "Villa del Salto" held on her course, however, and ultimately made for safety to Concepcion del Uruguay.

On this occurrence becoming known here, upon 30th August Señor J. J. Herrera sent to Senhor Loureiro his passports, with a request that he would quit the Republic within twenty-four hours.

Senhor Loureiro left for Buenos Ayres on the 31st August, to await there the orders of his Government.

Señor J. J. de Herrera in his note accused the Brazilian naval forces of thus giving direct assistance to General Flores.

This accusation Senhor Loureiro in his reply says he purposely abstains from discussing, contenting himself, as he states, with a simple denial of the charge.

I have, &c.

(Signed) W. G. LETTSOM.

No. 14.

Mr. Lettsom to Earl Russell.—(Received October 19.)

My Lord,

Monte Video, September 4, 1864.

I HAVE the honour to acquaint your Lordship that the Government here withdrew yesterday the exequatur of the Brazilian Consul-General, and that this gentleman has left for Buenos Ayres, to await there the orders of his Government.

I am unable to state for certain why the Oriental Government have taken this step at the present moment, as no further aggressions have been committed by the Brazilian naval forces since the affair of the "Villa del Salto," which circumstance led to the Brazilian Minister having his passports sent to him on the 30th August.

News had, however, just been received by the Government that the arms over the Brazilian Vice-Consulate at Salto had been pulled down on the night of the 31st August, and as it would be inconvenient that there should be an agent of the empire here to complain of this indignity, the Brazilian Consul-General had his exequatur withdrawn without delay.

This, at least, I conceive to be the true explanation of the measure adopted.

I have, &c.

(Signed) W. G. LETTSOM.

No. 15.

Señor Bareiro to Earl Russell.—(Received October 31.)

(Translation.)

Legation of Paraguay, Paris, October 27, 1864.

My Lord,

IN compliance with the order of my Government I have the honour to address your Excellency, with the object of communicating some explanations upon the causes which have just now brought the relations between Paraguay and Brazil into a state which approaches war, and of laying before your Excellency the reasons which lead Paraguay to expect that the valuable sympathies of England will be given to her part in case the war should unhappily break out.

As the immediate antecedents of the conflict comprehend at the same time others of a more general and permanent nature, I consider it to be my duty to submit both of these, however briefly, to the consideration of your Excellency.

Paraguay having well-founded and sufficient reasons to consider the balance which protects the independence of the less-extended States of the Plata as menaced by the attitude which Brazil has lately assumed in regard to Monte Video, my Government has thought it to be essential to the defence of the country under its rule to make known in a respectful and friendly manner to Brazil, as it has done by its note of the 30th of August last, "that the Government of the Republic of Paraguay will consider any occupation of the Oriental territory by the Imperial forces, for the reasons declared in the ultimatum of the 4th of this month (August) to be injurious ('attentatorio') to the balance of the States of the Plata, which concerns the Republic of Paraguay as being the guarantee of her safety, her peace, and her welfare; and that it most solemnly protests against such act, rejecting at the same time all responsibility for the results of the present declaration."

Brazil having replied, through her Minister in Asuncion, "that no consideration would induce her to refrain from the fulfilment of the sacred mission" which she has assumed in the Banda Oriental of the Plata, my Government, strengthening its former protest, found itself obliged to add, on the 3rd of September, "that it will be its painful duty to carry its protests into effect, whenever the acts alluded to may confirm" this new assertion of the Brazilian Minister.

As the anticipated acts of aggression were soon carried into effect, according to the

last intelligence from the Plata, it is to be presumed that hostilities have begun or will begin shortly.

The strong interest felt by Paraguay that her acts may be well appreciated by the great Powers of Europe, and more especially by that of Her Britannic Majesty, and the desire that her interests in this conflict with Brazil may be seen from the point of view in which they coincide entirely with those of the commerce of Europe in America, have given rise to these explanations of good and sincere friendship, which I have the honour to submit to your Excellency by the especial command of my Government.

Paraguay is perhaps the only American State which has received reproaches from her neighbours for her aversion to revolutions and for her steadfast attachment to external peace. In departing now from this line of conduct she does not yield to suggestions of agitation from without, since, though solicited by Monte Video to act in common with her towards Brazil, she has not thought it her duty to accede to this, but has determined to work by her own impulses and for her own interests, as acting in virtue of the liberty which she reserves entirely to herself.

The causes of the conflict, my Lord, into which Paraguay feels herself driven, are general and permanent, and it is on this side that she wishes to submit them to the consideration and to recommend them to the influence which liberal Europe may exercise in the maintenance of peace, which interests every one, by the benign action of its counsels addressed to those who abuse the relative superiority of their strength.

The conflict does not arise from the difference in the form of government, as Brazil would perhaps endeavour to persuade the monarchical Governments of Europe to believe in order to gain their sympathies. Before a Republic existed in America, Portugal and Spain were already divided by the same interests as those which now divide the American Governments, which have succeeded them in the dominion of both shores of the Plata.

These interests are no other than territorial interests, and although it may seem strange that Brazil should aspire to augment her vast soil at the expense of States of small territory, Europe has just witnessed an example of such aberration in the fate which two great Powers have inflicted on Denmark. And as the territory of the conflict between Paraguay and Brazil is a land of rivers, the commerce and navigation of Europe are compromised by it equally with those of interior or inland American territories. This, my Lord, is the living and sensitive side of the question, by virtue of which it deserves all the attention of the maritime and commercial States of Europe.

Rio Janeiro, like other American capitals on the Atlantic, is inclined to keep for its own advantage the benefits of the monopoly which such capitals exercised for the profit of Portugal and Spain when they directed colonies belonging to those States. Obtaining afterwards the liberty of commerce with Europe, they endeavoured to apply it to their exclusive benefit by constituting themselves, as towards the interior regions of America, the indispensable and necessary organs of their intercourse with manufacturing and trading Europe. Paraguay, notwithstanding her political independence, would, by her geographical position, turn out to be the victim of this state of things, which, by its retrograde effects, would be equivalent to the old colonial rule which was destroyed for the good of the general interests of the two worlds. And this state of things, my Lord, would be realized on the day when the Oriental State of La Plata, the key to the navigation of the rivers falling into the Plata, should come, directly or indirectly, openly or clandestinely, into the hands of Brazil, and of the Americans, who connive at its policy in the Plata.

Europe would suffer equally from it in the development of its commerce, because two-thirds of South America are in the same case as Paraguay. When liberal Europe by its sympathies co-operated in the emancipation of these countries for the advantage of all the world, it was not in order that some privileged places on the coast should alone be accessible to free trade, but also the whole vast field of the natural riches which that part of the New World contains in its interior regions, accessible solely through the great rivers which Brazil and some other capitals of that coast would aspire to monopolize to the prejudice of the rest of America, and of direct trade between the two Continents.

England and France have always considered the independence and integrity of the Oriental State of Uruguay to be a guarantee of their free trade with the countries situated in the interior of South America, and it is well known that this consideration led to the idea of making the Oriental State independent of Brazil and of Buenos Ayres, which State was, in 1826, an object of contention between the two countries, which would now perhaps be satisfied with dividing between them what one of them could not at that period take possession of to the exclusion of the other.

At the present time Paraguay does no more than appeal for herself and for the countries which are in the same condition and in solidarity with herself, to that same influence which has been used by the Governments of England and France for the advantage of all, in more than one occasion like the present.

A policy whose sole object is to preserve intact and continually augmenting the liberty of living in close association with Europe, cannot but have the sympathies of a Government so loyal and generous as that of Her Britannic Majesty.

At a time when Brazil, notwithstanding its monarchical forms, appeals to the Monroe doctrine, ostensibly in favour of American Republics, which would not perhaps desire to observe it for themselves, it is natural that Paraguay should seek, in the legitimate and civilized influence of England, a guarantee against the absorptions of certain American Powers, whose continental patriotism seems to consist in doing, on their own account, and for their own advantage; the same thing which they accuse the pretended ambition of Europe of doing.

Although quite ready to give the Government of your Excellency all the explanations you may think proper to require of me relative to the question which is the object of this note, I flatter myself, my Lord, that those which I have given above will suffice to convince your Excellency of the spirit of justice, of moderation, and of respect for the right of others and of her own, with which Paraguay is acting in this difficult case touching Brazil.

I take, &c.
(Signed) CANDIDO BAREIRO.

No. 16.

Earl Russell to Señor Bareiro.

Sir, *Foreign Office, November 2, 1864.*

I HAVE the honour to acknowledge the receipt of your note of the 27th ultimo, upon the subject of the existing differences between Paraguay and Brazil, and the causes which have led to them; and in thanking you for your communication, I have to state to you that Her Majesty's Government regret this state of things, and trust that some means may be found by which these disputes may be settled without an appeal to force. In the mean time Her Majesty's Government must reserve their opinion upon this difficult question.

You are of course aware that in case of the breaking out of war, certain duties are incumbent upon Her Majesty's Government towards belligerents which will be scrupulously observed on the part of Her Majesty.

I am, &c.
(Signed) RUSSELL.

No. 17.

Mr. Thornton to Earl Russell.—(Received November 6.)

(Extract.)

Assumption, September 5, 1864.

I HAVE been requested by the Paraguayan Government to transmit to your Lordship copies of the inclosed correspondence between Señor Berges and Señor Vasquez Sagastume, Monte Videan Minister to the Republic, and between Señor Berges and M. Lima, the Brazilian Minister resident in this capital. This correspondence was communicated officially to myself and to my colleagues with a request that we would transmit it to our respective Governments, and the greater part of it has been published in the official newspaper issued in this capital.

Señor Berges' note to Señor Sagastume of the 30th ultimo contains a tolerably correct detail of the negotiations which have been carried on between the Republics of Paraguay and of the Uruguay since the invasion of the latter by General Flores. It is pervaded by a tone of complaint that the services offered by Paraguay have not been accepted by the Monte Videan Government, nor her goodwill and efforts to assist them duly appreciated; and it concludes by stating that the Paraguayan Government do not think it expedient to intervene for the present in favour of the Republic of the Uruguay against Brazil by assembling their naval and land forces in the waters and on the frontiers of that Republic, as solicited by Señor Sagastume; but that as they consider it indispensable to the equilibrium of the River Plate States that the independence of the Republic should not be assailed, they reserve it to themselves to attain this result by independent action.

In the same note Señor Berges states that Señor Lapido, formerly Monte

Videan Minister at Assumption, had, in July 1863, proposed to negotiate a Treaty containing certain stipulations with regard to the Island of Martin Garcia which, as Señor Berges writes further on, would amount to a declaration of war against the Argentine Republic.

In another part of the note his Excellency declares that in September last Señor Lapido determined to go to Monte Video, stating his intention to send thence to General Urquiza a confidential agent who should endeavour to raise Entre Rios against the Argentine Government, or induce it to assist the Monte Videan Government against General Flores.

Adverting to the correspondence with M. Lima, your Lordship will perceive that Señor Berges, in his note of the 30th ultimo, declares that the Paraguayan Government cannot see with indifference nor still less consent that in execution of the alternative of the Imperial ultimatum the Brazilian naval or land forces should occupy a part of the territory of the Republic of the Uruguay, temporarily or permanently. M. Lima, in his note of the 1st instant, declares that whilst the respect of the Brazilian Government for the independence of that Republic is proved by irrecusable facts, no consideration will prevent them from protecting the subjects of His Majesty the Emperor. In reply, Señor Berges, on the 3rd instant, repeats the protest contained in his note to M. Lima of the 30th ultimo.

In conversing upon this subject with Señor Berges, I manifested my conviction that Brazil had no intention, at least for the present, of attempting to absorb or assail the independence of the Republic of the Uruguay, and that I considered every nation had an inherent right to insist upon satisfaction for injuries done to her subjects, even though it should be at the expense of a war or of a temporary occupation of territory belonging to the aggressor.

Inclosure 1 in No. 17.

Señor Sagastume to Señor Berges.

(Translation.)

M. le Ministre,

*Oriental Legation in the Republic of Paraguay,
Assumption, August 25, 1864.*

THE political affairs which at the present moment weigh upon the Oriental Republic have now taken a character truly menacing to the national sovereignty and independence.

The efforts made by my Government with the noble hope of solving by pacific and friendly measures the grave questions brought forward by Brazil and the Argentine Republic, have only had the effect of placing the aggressive ideas which these Governments hold against the autonomy of the Republic in more transparent colours.

After the failure (for reasons of which your Excellency is aware) of the mission which the Ministers Messrs. Elizalde, Thornton, and Saraiva fulfilled, the international complications which induced this Legation to request the valuable mediation of your Excellency's Government to overcome in a friendly and satisfactory manner all the difficulties which might arise from unjust claims, have been again brought forth by the solemn declarations of the Brazilian Representative.

By the documents and legalized copies which I have the honour to inclose to your Excellency, you will understand the true position of our relations with the Empire of Brazil.

The questions raised by the Envoy Extraordinary of the Empire being removed from the peaceful arena of discussion, my Government considers that the moment has arrived to avail itself of the valuable Paraguayan interposition so nobly and amicably accepted by your Excellency's Government.

The menaces which, under the name of reprisals, the Counsellor Saraiva makes to the Oriental Government, and which might take place at any moment, will produce, if realized, a *casus belli*; and the first drop of blood shed in an open struggle with Brazil, you will easily understand that it will be difficult, if not impossible, with both parties, to come to a just and friendly arrangement.

To obviate this extreme my Government believes that if the good influence of the Government of Paraguay were exerted before the first conflict takes place, it would be efficient; and upon the hypothesis, not probable, that Brazil will ignore the justice with which your Government, impelled by high political exigencies, intervenes in this grave question, you will obtain the union of the means for saving in any case, from every

hostile pretension, the respects and the rights of a free, independent, and sovereign nation.

I avail, &c.
(Signed) J. VASQUEZ SAGASTUME.

Inclosure 2 in No. 17.

Señor Berges to Señor Sagastume.

*Department of Foreign Relations,
Assumption, August 30, 1864.*

(Translation.)

THE Undersigned, &c., has the honour of acknowledging the receipt of your Excellency's note of the 25th instant.

The Undersigned having given the whole of his attention to the serious contents of that communication, corroborated by the present affairs in the River Plate and the compromised situation of the relations between the Oriental Government and that of His Majesty the Emperor of Brazil, cannot but lament that the frank and decisive policy of his Government in favour of the sovereignty and independence of the Oriental Republic of the Uruguay has not met with those positive results which had been proposed, and which the situation required.

The dangerous position of your Excellency's Government was not unseen by that of Paraguay, nor that this danger could fall upon Paraguayan interests if the violation of the Oriental territory by Brazilian forces were carried into effect with the views by which your Excellency's Government supposes the Imperial Cabinet to be actuated. Notwithstanding, it is assisted by the conviction that it has done everything as far as its position and the conduct of the Government of your Excellency would permit in such a serious case.

The Government of the Undersigned, sympathizing in the most friendly interests with the Government of the Oriental Republic under the grave circumstances which weighed upon the tranquillity and internal peace of that Republic from the first invasion of General Flores, your Excellency will allow me, to prevent inexact appreciations of the political actions of his Government in the course of the complications in the River Plate, to make a rapid retrospect of the relations maintained between this Government and that of your Excellency from that epoch; and this is so much the more convenient and opportune, inasmuch as, showing the friendly endeavours of this Government for Oriental interests, it will explain and justify the policy which those antecedents and the present state of affairs imposed on it.

On the 9th of July last year Dr. Lapido arrived in this capital, and on the 13th he was publicly received by his Excellency the President of the Republic, to whom he delivered his letter accrediting him in the character of Minister Resident of the Government of the Oriental Republic of the Uruguay. On his arrival at Assumption the question with reference to the steamers "Salta" and "General Artigas" was being agitated between the Oriental and Argentine Governments, and as soon as he was received in his official character he proposed to conclude a Treaty, offensive and defensive, between Paraguay and the Banda Oriental for the maintenance of the independence and integrity of both States.

It was observed to him that an offensive and defensive alliance had its difficulties, that it was necessary that two States should find themselves in very special circumstances to be enabled to make such kind of compacts.

That Paraguay believed that it contained sufficient elements to resist any attack against its territorial integrity or national sovereignty, and that the Government of Paraguay would be disposed to conclude a Treaty of Friendship, Commerce, and Navigation, the same as those which it had made with other nations.

Notwithstanding these observations, a few days afterwards he presented to this Department the following project of Treaty:—

"Article I. There shall be perfect peace and entire friendship between the Republic of Paraguay and the Oriental Republic of the Uruguay.

"The High Contracting Parties compromise themselves to guard and employ all their efforts that that friendship and good understanding shall be perpetual.

"Art. II. Recognizing that the independence and territorial integrity of the two States is a condition of equilibrium, security, and of peace for them and for the neighbouring States, the Governments of the Oriental Republic of the Uruguay and that of Paraguay oblige themselves to the reciprocal defence and maintenance of the indepen-

dence and territorial integrity of the two States against any unjust foreign invasion or domination.

"Art. III. The co-operation which, according to the compromise in the preceding Article, shall be given by the two Governments, shall be determined and regulated by special stipulations according to the case.

"Art. IV. The High Contracting Parties considering that the Island of Martin Garcia might serve by its position to impede or interrupt the free navigation of the affluents of the Plate, in which all the riverain provinces are chiefly interested, the Oriental Republic of the Uruguay obliges itself, being in possession of said island, which it considers as an integral part of its territory, not to make any use of it that might impede or disturb that free navigation, and to co-operate for this same object with the Government of the Republic of Paraguay, that the Government of Buenos Ayres, which now actually possesses it, shall not convert it into a fortress or military post.

"Art. V. The increase of national population being an indispensable basis for the consolidation and power of young nationalities, the High Contracting Parties compromise themselves to sustain the principle laid down in the constitutions of the two States, upon the nationality of persons born in their respective territories, and to interest the other Republics in the support of the same principle.

"Art. VI. The two High Contracting Parties, with a view of drawing closer and strengthening the ties of friendship between the two countries, fomenting as much as possible the increase and development of their commercial relations, declare that from the present they will give to the products and merchandize, whatever may be its object, and to the vessels of the two States which they employ, all the advantages, freedoms, and exceptions which may be in harmony with the object proposed, upon the basis of a compensation, or perfect reciprocity.

"The other general stipulations, which a Treaty of Friendship, Commerce, and Navigation should contain, shall be established according to the Treaties celebrated by the Republic of Paraguay, and with other nations, giving them in the present, as far as convenient, an absolute character."

To accede to this project of Treaty was tantamount to declaring war against the Argentine Republic, with which the Paraguayan Government was in perfect peace and friendly relations. It would then have been necessary to prepare elements of war, and place them in hostility, so that this Government saw the necessity of making the following observations to him.

To the IInd Article, which his Excellency Don Lapido mentioned, if his Government considered insufficient the guarantee of the independence of his country affianced by Brazil and the Argentine Republic under the mediation of Great Britain, by the IIIrd Article of the Treaty of 1828. If that very independence was considered threatened, and by whom.

By the project of the Treaty it is seen that the obligation imposed by the Oriental State and Paraguay to sustain the independence and territorial integrity of the two countries was a special compact between the two Governments. In what manner could it be drawn up that in corresponding to the dignity of the States and the respectability of these Governments it should not wound the susceptibilities of the Powers which signed the Treaty of 1828?

To Article III.—That this Article depending on the preceding, the one could not be explained in the Treaty without the other.

To Article IV.—That the neutrality of the Island of Martin Garcia proposed in the terms of the project would be the cause perhaps, at this moment, of immediate war with the Argentine Republic.

What probability had the Oriental Government of obtaining it without this last measure? If the Oriental Government had any intentional stipulations for its delivery? Had there been an occasion to carry such a stipulation into effect? Was it done? In such case, what were the effects of it?

To Article V.—That Paraguay had laws and decrees to determine this doctrine, and that the Government would firmly sustain it, as the discussions with the Spanish Government attest, and of which the Undersigned had the honour of acquainting Señor Lapido. This was the obstacle which impeded the celebration of a general Treaty with that Court, which later invited the Paraguayan Plenipotentiary to conclude the Treaty; thus the point remained victoriously recognized.

That as a general principle this Article had no inconvenience, and Paraguay did no more than be consistent.

To Article VI.—What were the freedoms, advantages, and exceptions which should be given to the ships and merchandize of either State?

Were not other States which had signed Treaties with other Governments at liberty

to demand the same privileges on the basis that they should be treated as the most favoured nation?

At this time the difference which had arisen between the Governments with respect to the steamers "Salto" and "General Artigas" was arranged, and Dr. Lapido put aside his project of Treaty, offensive and defensive, to propose verbally that Paraguay would make its voice heard by the Argentine Government, with the object of detaining its errant policy tending to dominate other nationalities and reconstruct the old Viceroyalty.

Then, the Undersigned observed to his Excellency the Oriental Minister that his Government had reasons to believe in the strict neutrality of the Government of General Mitre, with reference to the internal discord of the Oriental State, and upon the mere hypothesis that Dr. Lapido proposed he could not venture any declaration.

That the Paraguayan Government religiously fulfilled its promises, either written or verbal, and for that reason it is accustomed to give them with a full knowledge of affairs after a careful examination.

That meanwhile his Excellency the Minister could assure his Government of the sympathy and desire that that of Paraguay had to contribute to the happiness, elevation, and prosperity of the interests of the Oriental State.

The Undersigned, notwithstanding, requested of Dr. Lapido what means he considered sufficient that Paraguay might appear with dignity before the Argentine Government, causing it to listen to its voice in favour of the Oriental Republic. He replied, that he thought a note requesting explanations, or a protest to the Argentine Government upon its policy of protection in favour of the Chieftain Flores, in arms against the legal Government, would be sufficient.

The affairs of the Banda Oriental again becoming complicated, his Excellency Señor Lapido addressed a note to this Department dated the 2nd of September, inclosing copies of those notes which the Oriental Government had sent to the Representatives of friendly Governments residing in Montevideo, and of another sent separately to the Brazilian Minister showing the antecedents, circumstances, and tendencies of Flores' invasion, who, from Argentine territory, invaded the Oriental Republic, and, finally, requesting in writing the co-operation of the Government of Paraguay to arrest the advance of Argentine policy which only protected the invasion of the Oriental State.

The Paraguayan Government replied, under date of the 6th of the same month, that it felt deeply for the grave position in which the Oriental Republic and its Government were placed, that it could not be indifferent to a state of things which affected the tranquillity and prosperity of a sister and friendly Republic, that they might have a hurtful influence upon the general interests which the Government of the Republic of Paraguay sought to develop between the two countries.

That it considered the independence of the Oriental State a question of equilibrium, security, and peace for the States of the Plate.

That in this spirit it addressed itself on the same date to the Argentine Government to obtain explanations relative to the affairs which gave rise to that correspondence.

Finally, that the Paraguayan Government hoped that the rectitude of the Argentine Government and the considerations for its proper interests would cause it to adopt such measures as would prevent the disturbance of the tranquillity of a sister State, and that the guaranty of the independence of the Oriental State it wished to consider as a condition of its own security and political interests.

The predecessor of your Excellency found on his arrival every facility offered on the part of my Government; he was treated with so much friendship and confidence that on the 5th of last September it made him acquainted with the project of communication to the Argentine Government. Dr. Lapido made some observations upon the inconvenience of inclosing copies, but he was informed that it was impossible to attend to that request. He then limited himself to the request that some of the wording might be changed in the draft, to which the Undersigned acceded with pleasure.

After he became acquainted with the contents of said communication to the Argentine Government he determined to go down to Monte Video, saying that he took with him a project for sending from that city by some confidential person to General Urquiza, who should endeavour to obtain that Entre Rios should declare against the Argentine Government or assist the legal Government against the Flores invasion. On the same day he requested by a note a passport for himself and secretary, and took leave of his Excellency the President, arranged for his passage and prepared for his voyage to Monte Video.

At 10 in the morning of the 6th, a few hours before the sailing of the packet, the Oriental Minister solicited verbally the detention of those communications so important in the difficult circumstances through which the Oriental Republic of the Uruguay was then

passing, announcing his resolution to remain in this capital and to send his secretary, Don Federico Brito del Pino, to Monte Video.

The verbal reasons given by Dr. Lapido in asking for the suspension of the note to the Argentine Government are, more or less, the following :—

That perhaps his Government would not be pleased by that of Paraguay sending entire copies of the circular sent to the foreign Representatives resident in Monte Video and the note of the Brazilian Minister, and although it may approve of sending them he did not wish to take upon himself the responsibility of the act.

That it was not customary to give that class of communications in an entire form, but in extract; but that some parts of the said note might be copied (if required) on addressing the note to the Argentine Government.

That those documents were sent to the foreign Ministers to acquaint them of the circumstances through which the Oriental Republic of the Uruguay was passing; that he did not know in what spirit they had been made use of, and that the sending of them to the Argentine Government by a third party might as much displease the Ministers as his Government. That special circumstances with Brazil had determined his Government to write to the Brazilian Minister in the spirit which it has, who likewise would be disgusted if another should bring that note to the knowledge of the Argentine Government.

That on sending those documents Señor Herrera had merely requested him to use them in whatever manner he thought they would best suit the interests of the Oriental State.

Notwithstanding this strange request the Undersigned acceded, giving him a proof of special consideration and requesting him only that he would solicit in writing, as a record, the suspension of the mentioned note to the Argentine Government. He offered to do it on the same day, reserving for a few days later to make explanations upon this step by another note. It is impossible to discover the motives which counselled Dr. Lapido to take such a strange and unexpected resolution of concealing an act of his Government addressed in a circular form to the foreign Agents residing in Monte Video and separately to the Minister for Brazil—a usual act in similar circumstances, and which documents were forwarded to this Ministry without the least reserve or restriction, as a motive for the co-operation which it solicited from it.

By this incident valuable time was lost which should have been employed in favour of Oriental interests, and only on the 8th of the same month did he address a note in reply to that of this Department of the 6th (deducing erroneous consequences), which is that in reference to the firmness of the two Governments against Argentine policy, and finally requesting likewise that the said note to the Argentine Government should not be sent.

This Department would have been satisfied if the note had been dated the 6th, and if it had kept only to the request in reference to the suspension of the note, but in the necessity of making the dates agree in the Chancery it was necessary to repeat the note of the 8th.

This brought an extensive and frequent exchange of notes between this Ministry and the Oriental Legation to fix the details of the suspension of the note, which terminated on the 9th of October following. Barren polemic! created by Dr. Lapido, which could only have as a result the weakening of the confidence and frankness which should exist between the two Governments, and which was taking an unfavourable turn for the interests of all, and principally for those of the Oriental Republic.

The pretension of detaining the note to the Argentine Government could not be indefinite, neither could the Argentine Government in decorum and dignity remain dependent upon the Oriental Minister's way of thinking, much less when affairs could be precipitated in the River Plate and overwhelm the good offices of this Government.

For these reasons of prevision and dignity his Excellency the President of the Republic ordered that the communications for the Argentine Government should be sent, as they were, by the packet of the 21st of September.

Notwithstanding this disagreeable incident, the Paraguayan Government continued to dispense confidence to the Oriental Legation, and gave it every assistance for the fulfilling of its mission. Thus it is that Dr. Lapido presented confidentially to this Ministry a private letter which he was addressing to Señor Berro, President of that Republic; and afterwards ventured the idea of the opportunity and necessity that the Paraguayan squadron, in combination with the Oriental, should take possession of the Island of Martín García, to which idea it was impossible to attend for reasons which are clear, and whose details the Undersigned will omit to prevent copiousness and to shorten this communication.

On the 21st of October Dr. Lapido was notified of the reply of the Argentine Govern-

ment to the demand for explanations of this Government of the 6th of September of the same year, requested by the note of the Oriental Legation of the 2nd of the same month, inclosing him a copy of that reply, as likewise of the answer to it which on that account the Undersigned addressed to the Argentine Government on the same date, which was conveyed by the war-steamer "Tacuari," sent on the station of Monte Video.

The Oriental Minister acknowledged receipt of this communication, notifying that on the same date he had with the greatest pleasure forwarded the note of this Department to his Government. At the same time that this friendly correspondence was being exchanged in Assumption, the Oriental Government, by means of its confidential agent, Señor Don Andres Lamas, concluded an arrangement in Buenos Ayres, signing a Protocol on the 20th of the same month, without the least care of notifying the Paraguayan Government, which had compromised its good relations with the Argentine in order to sustain the principles of authority and internal order of the Oriental State of the Uruguay.

It was only on the 12th of November that the Oriental Minister communicated the result of the negotiations for an arrangement between his Government and the Argentine by means of its confidential agent in Buenos Ayres, when the said negotiation had failed in Buenos Ayres.

Neither has this Government been notified at a proper time of the subsequent negotiations carried on by means of Her Britannic Majesty's Minister, Mr. Thornton, and that with Señor Marmol, Minister of the Argentine Government.

With all these slights the Paraguayan Government has continued to labour in the interests of the Oriental Republic of the Uruguay, addressing notes to the Argentine Government, now with reference to the expeditions which set out from Buenos Ayres in support of the rebellion headed by General Flores, now upon the gathering of troops on the Argentine littoral, and now with respect to the arming and fortifying of the Island of Martin Garcia, expressing to the Argentine Government its conviction that these acts would not be influential in the pacific termination of the questions which were being agitated between that Republic and that of the Uruguay, and that in no way should it compromise the most perfect independence of any State of the Plate, destroying the equilibrium condition of existence for all.

The Undersigned must likewise here record a testimony of gratitude of the Oriental Government for the wishes expressed by its Ministers in the note of the 12th of November; that in just consideration of, and in a corresponding spirit towards the Government of Paraguay, it made as a condition of arrangement the participation which should belong to this Government in arrangements of this class, and the right which it has to have its opinion consulted.

On the 19th of the same month this Department thanked Dr. Lapido for making it acquainted with the documents relative to the said arrangement, and it expressed its anxious desire for the re-establishment of the good relations between the Oriental Government and that of the Argentine Republic, to which it endeavoured to assist, working with impartiality and the most sincere friendship in order to obtain such a desired result.

The Oriental Minister having received verbally the good disposition in which the Government of this Republic was found to interpose, if the opportunity came, its mediation and good offices, in order to reach the arrangement of the differences existing between the Oriental Republic and the Argentine, and after having communicated with his Government, he thought proper to record this fact by a note (likewise dated the 12th of November), notifying this Department that he had received from his Government orders to express its gratitude for this further proof of the friendship of Paraguay, and adding that, without declining the mediation of Paraguay, he was waiting to know the definite issue of a project of arrangement with the Argentine Government before giving further information upon the subject.

The Undersigned answered the said note again, giving assurance of the disposition of his Government to take the part of mediator in the differences between the Uruguay and Argentine Republics, and hoping that the definite result of the initiated negotiation would finally resolve the pending questions between the two States.

On the 21st of November Dr. Lapido temporarily retired from this capital, but from the Villa del Pilar he caused his secretary, Don Federico Brito del Pino to return, whom your Excellency found in charge of that Legation, as Minister Resident of the Oriental State of the Uruguay, on your arrival in this capital.

On the return to this city of Señor Brito del Pino, he delivered to this Department the documents proving a fresh attempted aggression from the city of Buenos Ayres upon the Oriental territory under the command of Colonels Rebollo and Conde, with the object of swelling the ranks of General Flores. On the 6th of December of the same year this

Department addressed a note to the Argentine Government, requesting to be enlightened upon this disagreeable affair, which was denounced as being carried into execution while arrangements of negotiation were pending.

He likewise delivered at that time the correspondence exchanged between the Minister of the Oriental Republic and its confidential agent in the Argentine Republic with respect to the amicable arrangement made in Buenos Ayres between the two Republics.

In these communications it appears that the Oriental Government proposed to the Argentine that his Excellency the President of Paraguay should, with His Majesty the Emperor of Brazil, be arbiters in those cases which the arrangement convened between the Oriental agent in Buenos Ayres and the Minister for Foreign Affairs of the Argentine Republic marks out.

The Government of the Undersigned hastened, in its note of the 6th of December, to duly acknowledge the polite manifestation of the Oriental Government, but believing that the circumstances which are co-relative to his Excellency the President of Paraguay might affect the interests of the Oriental State, for whose salvation he has always shown the most positive interest, and much more so when by identical motives it might delay for a single day that peace which the Oriental State saw in perspective in the said arrangement, it requested the Oriental Government to desist from requesting to see his Excellency accepted as an arbiter in company with His Majesty the Emperor of Brazil, much more so when neither the national honour nor the delicacy of his Excellency could make such an arbitration acceptable, since the Argentine Government had considered it its duty to decline, for a trifling motive, to spontaneously accept his Excellency the President at the first indication of the Oriental Government.

The Undersigned concluded assuring the Oriental Government that this would be no obstacle for the Republic of Paraguay to continue watching with the greatest solicitude the international affairs which were being unfolded in the River Plate.

The Government of your Excellency acknowledged the receipt of this note under date of the 16th of the same, expressing its respects to the noble sentiments which dictated to the Paraguayan Republic the resolution of guarding that Republic from motives liable to derange the peace of those countries; and moreover, since it considered well founded the reason of national honour of his Excellency the President of the Republic of Paraguay in not admitting arbitration to settle international questions of the River Plate. That it appreciated in the highest degree the declaration conveyed in the note of the 6th of December, that the Paraguayan Government would continue to watch over with the greatest solicitude the international affairs which are about being unfolded in the River Plate.

His Excellency Señor Herrera continues to succinctly relate the result of the negotiation carried on by Señor Marmol, of which this Government had had no knowledge, only when it had concluded, and likewise inclosed copies of the corresponding documents to this affair, which ended by a rupture of relations between the two Governments.

The note concluded requesting that that Government should be informed what attitude the Paraguayan Republic was resolved to take in the present position of affairs.

This Government replied under date the 6th of January of the present year, 1864, deploring the unfortunate exit of the confidential mission of Señor Marmol by the exigencies which should form the basis of that arrangement, and consequently the rupture of relations between the two Governments, which might bring complications for the peace and welfare of the Argentine Republic.

At this time this Department was informed by a private source that Mr. Thornton, Her Britannic Majesty's Minister, had offered his good offices to both Governments, and that a new negotiation had been undertaken with the object of reuniting the broken relations between the Governments of the two Republics. On this account the Government of Paraguay declared, whatever might be the course of events, it would not cease to be seriously interested for the peace of the River Plate and for the sovereignty and independence of the Oriental State, which it considered bearing upon the interests of the rest of the Governments.

On the 21st of December this Ministry addressed another note to the Argentine expressing its confidence that the fortification of the Island of Martin Garcia and the presence of the troops of the interior provinces upon the littoral would not influence against the pacific termination of the pending questions between that Republic and that of the Uruguay. Of this friendly step notice was given on the same day to the Oriental Government.

Under date of the 1st of January, 1864, the Oriental Government acknowledged receipt of that addressed to it by this on the 21st December, declaring that this important

document had been appreciated by the Oriental Government as a fresh and eloquent testimony of the previsionary policy which, by a series of diplomatic acts of notable signification, the Paraguayan Government was unfolding since the beginning of the perturbation of the peace of the River Plate, and then considered that document, in the same manner it has previous ones, as an act of loyal friendship and fraternity towards the Republic; that it would lose no opportunity, either at present or in the future, to make a like return; that its Government, thanks to the participation of that of Paraguay in the affairs of the Plate, hoped that the high interests of this part of the Continent would receive no irreparable injury.

The Secretary of the Oriental Legation, Don Federico Brito del Pino, presented to this Department on the 8th of January the correspondence exchanged between his Government and the Ministers of England and Brazil; and this Government, sincerely interested in the prosperous conclusion of the affairs of the Oriental State, expressed, in a note of the 21st January, its desire to be acquainted with the reply which the Brazilian Minister had made to the communication of the Oriental Government of the 23rd December last year, as likewise of the resolution adopted by its Government with reference to the Island of Martin Garcia.

The Oriental Government replied, under date of the 29th of the same month, expressing, with reference to the first, that owing to a mistake in the Secretary's office the note in reply of Senhor Loureiro did not accompany the correspondence of the 1st of January of that Government, but that in the following packet it was remitted to the Secretary of Legation, Señor Brito del Pino, with the object of giving a copy to the Undersigned.

With reference to the second part, the Oriental Government declared that the actual situation of the negotiations had as yet given nothing positive relating to the Island of Martin Garcia.

From the 6th of September, 1863, when this Government for the first time addressed the Argentine, soliciting in a friendly manner explanations upon the rebellion, which was organized in Buenos Ayres and started from that city under the command of General Flores to invade the Oriental State of the Uruguay, it did not fail to continue to follow up the events which were unfolding in that Republic, and in every case where the revolution appeared to be supported by resources emanating from Buenos Ayres it continued to request explanations from the Argentine Government, but this, under divers pretexts, has found it convenient not to give them satisfactorily; thus it is that this Ministry, on the 6th of February of the present year, after recapitulating the series of notes addressed upon the same subject to the Argentine Government, demanding explanations which previously, upon whatever act complained of by the Oriental Government, it had offered the most ample, it found itself under the painful necessity of declaring:—

That the Government of the Undersigned, being cut off from friendly explanations requested of the Argentine, in future will only attend to its own ideas with reference to the extent of the affairs which may compromise the independence and sovereignty of the Oriental State, to whose fortune it cannot be indifferent, neither for its national dignity nor for its own interest in the River Plate.

On the same date that this note was sent to the Argentine Government, notice of the Act was given to that of the Oriental Republic of the Uruguay.

As late as the 26th of January, the Secretary of the Oriental Legation delivered to this Department the documents in which appear the previous conditions of that Government to enter into and discuss an arrangement with the Argentine, under the good offices of Mr. Thornton, Her Britannic Majesty's Minister in Buenos Ayres, as likewise the refusal of the Argentine Government to accede to said propositions.

On the 13th of January of the present year the Oriental Government addressed this Department, notifying the necessity there was in knowing the position which Paraguay had determined upon taking in the present state of affairs, formalising by that note the declaration of being ready to combine with this Government practical means of resistance and repression, compromising itself to second every act of the Paraguayan Government, to make its resolutions practically felt, and not to unite in diplomatic measures in the slightest manner attended by the Argentine Government.

The Paraguayan Government thanked the Oriental for the declaration of being willing to second any of its acts in the spirit indicated; that if it did not fail to recognize that the opportunity of combining practical means for resistance and repression which may be found necessary to prevent ulterior consequences which menaced more or less imminent the vital interests of the Oriental Republic and of those of Paraguay, may be near, the great distance between the two Governments would make such a discussion

between the two Cabinets useless—the only way open, from the want of a chief to the Legation accredited near to this Government.

On the 6th of November last year this Government addressed the foreign Diplomatic Body accredited near this Government, accompanying copies, to inform it of what my Government considered it its duty to do in the case, requesting explanations of the Argentine Government, showing by those documents that it had used every effort in its power in order to see peace and tranquillity re-established in the two neighbouring and sister Republics. With the same object, on the 12th of last February, the Undersigned took a similar step with reference to the foreign Ministers, inclosing them a continuation of the correspondence exchanged with the Government of the Argentine Republic and with that of the Oriental Republic.

It will be seen by the preceding documents the state of good relations existing between the Oriental and Paraguay Republics. Likewise will be seen the efforts made by the latter in favour of the peace, tranquillity, and interests of the Oriental State, when on the 27th of February took place the disagreeable incident of the national war steamer "Paraguari" (in packet service) in the port of Monte Video, on account of carrying on board as passengers the Oriental citizens Dr. Don Jaime Estrazulas, Don Francisco Caravia, and Dr. Don Adolfo Bazañes.

The Undersigned will speedily relate this affair, whose documents for arrangement are already of public notoriety; but it is necessary not to overlook the inference which the Oriental Government deduced from this affair, taking no step to arrest that difficulty which had been caused by the port authorities of Monte Video. It did nothing with the object of re-establishing the good relations between the two Governments, which in fact remained disturbed by that attempt against the flag of a friendly nation.

The Paraguayan Government deemed it its duty not to prolong indefinitely that silence which hurt the national honour; and on the 6th of April it addressed the Oriental Government, soliciting a just and full reparation for such a strange proceeding. In the said note nothing was said in reference to the difference made between the "Paraguari" and the "Saintonge," French packet of the Bordeaux line, in which returned other three political exiles; it did not request that the authorities might be discharged from their posts, nor a salute to the national flag, as is customary on such occasions, but it rather gave every facility to the Oriental Government to relieve itself by doing justice to the claim of the Paraguayan Government.

The Oriental Government replied on the 1st of May, maintaining, in a lengthy note, the acts committed by the authorities of the port of Monte Video and of its war-steamer "Trienta y Tres."

It would be useless to record here, even slightly, the principal cause of this difference, which might have compromised the good relations of both countries.

Messrs. Caravia, Estrazula, and Bazañes arrived in this capital, exiled by their Government, without the slightest notification of the character and motive of their arrival, a natural attention between Governments, although indifferent in their relations, when the territory of either must serve, without the previous consent of the other, as a place of exile.

Private notices and a printed manifest in Buenos Ayres, with the signatures of the two first, gave the public to know the character and apparent cause for the forced arrival of these gentlemen.

Moreover, public opinion was in error, and called the serious attention of this Government when it saw that those exiles, enemies of the administration of Señor Berro, the signers of a hostile and personal manifestation against the Chief of State, of which Government his Excellency Señor Herrera formed a conspicuous part, and stigmatized by this person as petty chiefs of the rebellion, on arriving in this city were received, lodged, treated with hospitality and distinction in the official hotel of the Oriental Legation in this city. Afterwards became known the meaning of the proceeding of the Oriental Legation, and that those significant attentions took place by the recommendation of Señor Herrera, then, as now, Minister for Foreign Affairs.

These antecedents detracted from the Messrs. Caravia, Estrazulas, and Bazañes, the importance, influence, and prestige which was afterwards sought to give them, for to admit them would be an absurdity or connivance.

This caused every pretext to disappear, if not a just one at least explainable, for the orders given to the local authorities with reference to the steamer of war "Paraguari," temporary packet on the line of La Plata. The other details of this affair are already known and of public notoriety.

Some time after your Excellency arrived in this city, and on the 17th of May was

received by his Excellency the President of the Republic in your character of Minister Resident of the Oriental Government to this Republic.

Your Excellency thought it convenient to withdraw the note of the 1st of May and enter into discussion with the Undersigned, which resulted in the declaration of the 3rd of June of the present year, which ended the disagreeable affair which took place in the roadstead of Monte Video between the steamer "Paraguari" and the authorities depending upon the Oriental Government.

The Government of Paraguay accepted, by its note of the 4th of June, the declarations and assurances contained in the said declaration and notes which accompanied that document, as sufficient satisfaction from a friendly Republic in relief of the acts which offended the national honour and dignity, highly appreciating the sentiments which your Excellency offered in the name of the Oriental nation and of that of your Government.

The Paraguayan Government declared to your Excellency on that occasion that it had not ceased to nurture a sincere and friendly sympathy towards the Oriental nation, whose identity of origin, interests, and political necessities was not unnoticed, and congratulated your Excellency on seeing the fraternal relations which unfortunately had been disturbed, re-established.

On the 13th of June your Excellency solicited, by order of your Government, the mediation of that of this Republic, with the object of smoothing in a friendly manner all the difficulties which might arise between your Government and that of Brazil on account of claims brought forward by the Plenipotentiary of the latter, Senhor Councillor Saraiva.

Your Excellency inclosed copies of the correspondence exchanged between both Governments, under the numbers 1, 2, and 3, with reference to the questions put forward by the Envoy Extraordinary of His Majesty the Emperor of Brazil.

Highly appreciating the proof of honourable confidence that the Oriental Government showed in the sentiments of rectitude and justice of this Government by soliciting its friendly mediation in the grave circumstances in which the relations of the Oriental Government were with that of His Majesty the Emperor, and with the hope of contributing to the re-establishment of harmony between the two neighbouring and friendly nations, the Undersigned was ordered to accept, on the 17th of June, the office of mediator which the Oriental Republic offered to that of Paraguay.

On the same date this Government addressed that of the Empire of Brazil, acquainting it of having accepted the mediation solicited by the Oriental Government for the friendly arrangement of the questions pending between the two States, hoping that the policy of moderation which distinguishes the Imperial Cabinet would enable them to solve, in accordance with that policy, the differences which had given rise to the extraordinary mission of Senhor Saraiva.

On the same date was addressed a note to his Excellency Senhor Saraiva notifying him that the Government of Paraguay, in the interest of removing every motive for misunderstanding between two neighbouring and friendly nations, had accepted this honourable proof of confidence which the Oriental Government had shown.

These communications reached Monte Video when a complete change of affairs had taken place in that city on account of the arrival of Mr. Thornton, Her Britannic Majesty's Minister, and Señor Elizalde, of the Argentine Republic, who offered themselves as mediators for the arrangement of the internal questions of the Oriental State.

To this idea Senhor Saraiva associated himself, offering to the Oriental Government that the reciprocal claims should be arranged by the authorities of the country.

When these gentlemen went to the encampment of General Flores, accompanied by Dr. Castellanos and Don Andres Lamas, they deemed an arrangement with the rebellion possible, and the mediation was done away with.

Senhor Saraiva on the 24th of June notified this Government that, entertaining well-founded hope of obtaining a friendly solution of the said questions with the Oriental Government, it appeared to him that the mediation of the Paraguayan Government was unnecessary.

In the same spirit, and referring to the note of Senhor Saraiva, the Brazilian Cabinet replied on the 7th of last July.

On the 4th of July the Undersigned notified your Excellency that his Government, in the well-founded confidence and the interest of an early re-establishment of cordial relations with the Empire of Brazil, it considered that it was fulfilling a duty in not making use at present of that important mediation.

Again, the Government of the Undersigned has not been fortunate with the Oriental when it has desired to extend a friendly hand to that neighbouring Republic.

By the last packet the Government of the Undersigned has received the notice that a

new mediation, conducted by his Excellency Signor Barbolani, Italian Minister, was being carried on.

It is much to be lamented that the Ministry of Monte Video and the Oriental statesmen did not understand the pure and sane intentions with which, from the beginning of the administration of his Excellency General Lopez, the Government of the Undersigned has sustained firmly Oriental interests.

It is a mortifying proof of this, the darkness in which the Government of Paraguay has been kept in reference to all the negotiations of the Oriental Government, from that which Señor Lamas initiated in Buenos Ayres down to that which is now undertaken by Signor Barbolani, the Italian Minister.

Being neutralized by the Government of your Excellency, the action of that of Paraguay in the friendly arrangement of the Oriental questions with the Argentine Government, and lately with that of His Majesty the Emperor of Brazil, its efforts in favour of Oriental interests and for the peace of the River Plate have had but a negative result, so much the more deplorable inasmuch as the simple prevision and the logical appreciation of the facts might have utilized in time the good offices placed by this Government at the disposition of that of your Excellency from the beginning of its difficulties.

These good offices might probably have prevented the grave dangers which now weigh upon the *patria* of the Oriental by the attitude assumed by the special Mission confided to the care of his Excellency Senhor Councillor Saraiva in that Republic.

But if such an unfortunate concurrence of circumstances could not but increase the difficulties and sacrifices of the Government of your Excellency by menacing the existence of the sovereignty of the Oriental nation, not less so does the painful attitude derived from the vacillating conduct of its relations with the Government of the Undersigned.

This frank and loyal expression of the respective situations of the Paraguayan and Oriental Governments cannot be considered as recrimination, respecting, as does the Undersigned, the patriotism and enlightenment of the Government of your Excellency.

He feels, notwithstanding, the necessity of showing the causes which in the opinion of his Government have neutralized the friendly influence of Paraguay in the policy which at the present moment threatens to compromise the territorial integrity of the Oriental Republic of the Uruguay, which is the equilibrium of the River Plate, and he cannot abstain from doing so in justification of the ulterior action of his Government, which sees in that equilibrium the guarantee of existence, of security and prosperity of all.

In consequence the Undersigned has received orders from his Excellency the President of the Republic to inform your Excellency that, notwithstanding the difficulties created by the reasons before mentioned, neither the sentiments of the most friendly interest nor the desire of contributing to the prosperity of the Oriental nation and the maintenance of its sovereignty and territorial integrity have waned in the spirit of his Government, and that for such reasons and in the interests of those very objects it was not opportune that his Government should interfere at present, as your Excellency solicits in your note of the 25th instant, in the difficulties arisen between the Imperial Government and that of your Excellency by the gathering of land and sea forces in the waters and on the frontiers of the Oriental Republic of the Uruguay, but that these qualities being a necessary condition for the equilibrium of the River Plate, and of course a principle of its policy and prosperity, it reserves for itself the obtaining of this result by its independent action, thanking the Government of your Excellency for the honourable confidence which it deposits in its sentiments of friendship towards the Oriental nation.

Thus having fulfilled the orders of his Excellency the President of the Republic, the Undersigned has the honour, &c.

(Signed)

JOSE BERGES.

Inclosure 3 in No. 17.

Señor Sagastume to Señor Berges.

(Translation.)

Assumption, September 1, 1864.

THE Undersigned, Minister Resident of the Oriental Republic of the Uruguay, has had the satisfaction of receiving the estimable note which his Excellency Señor Don José Berges, Minister Secretary of State of the Department for Foreign Affairs, has done the honour to address to him, dated yesterday, adding a copy of a protest sent to the Minister Resident of the Brazils in this capital, by order of his Excellency the President

of the Republic, as to the aggressive policy which the Government of His Majesty the Emperor of the Brazils appears determined to carry out in the Oriental Republic.

When the opportunity offers itself, the Undersigned will bring the important contents of this communication to the knowledge of his Government, and meanwhile begs permission to express his satisfaction to his Excellency Señor Berges with which he sees the future greatness of the nationalities of this part of the world bound together—exposed a short time ago to an uncertain and precarious destiny.

The imposing attitude which the Government of Paraguay assumes, in presence of the policy which is attempted against the equilibrium of the River Plate, is the realization of the guarantees which have for object the consolidation of principles of transcendental interest for these Republics.

When, obedient to the exigencies of great convenience, these countries reciprocally exercise the far-sighted policy which Paraguay has just traced with relation to the traditional tendencies of Brazil, each one of them will find its stability fortified, and the road opened for its aggrandizement and power, without waiting to combat ambitions based on force and the diminution of right.

The Undersigned, &c.

(Signed)

J. VASQUEZ SAGASTUME.

Inclosure 4 in No. 17.

Señor Berges to Senhor Lima.

*Department of State for Foreign Affairs,
Assumption, August 30, 1864.*

(Translation.)

THE Undersigned, Minister Secretary of State for Foreign Affairs, has received orders from his Excellency the President of the Republic to address your Excellency this note, for the following reasons:—

The Undersigned has received from his Excellency Señor Vasquez Sagastume, Minister Resident of the Oriental Republic of the Uruguay, a note which, on the 25th instant, by order of his Government, he addressed him, inclosing copy of the last correspondence exchanged between the Oriental Government and his Excellency Senhor Counsellor Saraiva, Minister Plenipotentiary of His Majesty the Emperor of Brazil, in special mission to the Government of that Republic, consisting of three notes which are registered under the dates of the 4th, 9th, and 10th instant.

The important and unexpected contents of those communications have called the serious attention of the Government of the Undersigned for the interest with which it is inspired for the arrangement of the difficulties with which the Oriental nation struggles, to whose fortune it cannot be indifferent, and for the merit which the appreciation of the motives which might have counselled such a violent solution may have for this Government.

The moderation and prevision which characterize the policy of the Imperial Government gave reason for that of Paraguay to hope for a different solution of its claims with the Oriental Government; and this confidence was so much the more strengthened when his Excellency Senhor Counsellor Saraiva, and even the Imperial Cabinet, on declining the mediation offered by this Government for the friendly arrangement of those very claims, at the desire of the Oriental Government, qualified it as useless in view of the friendly course of the said questions.

The Government of the Undersigned respects the rights which are inherent in all Governments for the arrangement of their differences or claims, once that satisfaction or justice is denied, without detracting from its own right to judge of the manner of carrying it out, or the effects it might have upon the destinies of all those who have legitimate interests in the result.

The alternative made to the Oriental Government by his Excellency Senhor Counsellor Saraiva in his notes of the 4th and 10th instant, is to satisfy his demands within a fixed term of six days, under the threat of using reprisals, in case of refusal, with the Imperial land and sea forces gathered beforehand upon the frontiers of the Oriental Republic, to aggravate the gravity of the measures of the assumed attitude, which signifies an early occupation of some part of that territory; whereas its Government does not refuse to attend and satisfy the claims presented, as appears by the note of his Excellency the Minister for Foreign Affairs of the 9th instant.

This is one of the cases in which the Government of the Undersigned cannot relinquish the right which belongs to it of appreciating the manner of obtaining satisfaction by the Government of your Excellency, because its effects might ultimately bring about

consequences upon the legitimate interests which the Government of Paraguay might have in the result.

Painful has been the impression left upon the spirit of the Government of the Undersigned by the alternative of the ultimatum recorded in the notes of his Excellency Senhor Counsellor Saraiva of the 4th and 10th instant, to the Oriental Government, demanding an impossibility, on account of the obstacles which the internal state of that Republic presents, and for the cessation of which neither the prestige of their Excellencies Thornton, Elizalde, and Saraiva, nor the assistance and abnegation of the Oriental Government, have been sufficient.

Not less painful for the Government of the Undersigned has been the refusal of his Excellency Senhor Saraiva of the proposition of arbitration which was made to him by the Oriental Government, moreover when this principle has served as a basis for the Imperial Cabinet in their claims with the British Government.

The Government of the Republic of Paraguay deeply deplores that that of your Excellency has deemed it opportune to separate itself from the policy of moderation in which now it ought to trust more than ever, after its adhesion to the stipulations of the Congress of Paris; but it cannot look with indifference, nor much less consent, in the execution of the alternative of the Imperial ultimatum to the Brazilian forces, be they land or marine, occupying any part of the territory of the Oriental Republic of the Uruguay, neither temporarily nor permanently; and his Excellency the President of the Republic has ordered the Undersigned to declare to your Excellency, as Representative of His Majesty the Emperor of Brazil, that the Government of the Republic of Paraguay will consider any occupation of Oriental territory by Imperial forces for the reasons expressed in the ultimatum of the 4th instant, made known to the Oriental Government by the Minister Plenipotentiary of the Emperor in special mission to that Government, as an attempt against the equilibrium of the States of the Plate which interests the Republic of Paraguay as a guarantee for its security, peace, and prosperity; and that it protests in the most solemn manner against the act, freeing itself for the future of every responsibility which may eventually arise from the present declaration.

Having thus fulfilled the orders of his Excellency the President of the Republic, the Undersigned avails, &c.

(Signed) JOSE BERGES.

Inclosure 5 in No. 17.

Senhor Lima to Señor Berges.

(Translation.)

Señor Ministro,

Imperial Legation of Brazil,

Asuncion, September 1, 1864.

I HAD the honour of receiving your Excellency's note dated the day before yesterday, in which, referring to the last correspondence exchanged between the Oriental Government and the special mission of Brazil in that Republic, and making several observations respecting it, your Excellency was pleased to communicate to me that he had received the orders of his Excellency the President of the Republic to declare to me "that the Government of Paraguay will consider whatever kind of occupation of Oriental territory on the part of the Imperial forces, and for motives stated in the ultimatum of his Excellency the Senhor Consejero Saraiva of the 4th of last month, as an attempt against the equilibrium of the States of the Plata, which interest the Republic of Paraguay as guarantee of their safety, peace and tranquillity, and which she protests against in the most solemn manner, exonerating herself from all responsibility for the future, after the present declaration."

I shall not enter into a further explanation of the justice of the claims of the Imperial Government, nor of the motives which compelled them (well weighed) to recur to the right of reprisals, to obtain reparation for the violence and persecution committed by some of the authorities, both civil and military, of the Republic, on the persons and property of Brazilian subjects resident there; for your Excellency has exact information of the diplomatic correspondence of his Excellency Senhor Consejero Saraiva, in which are to be found the reasons, explained circumstantially, for proceeding after the manner stated.

I am sorry that the Government of which you form a part nourishes suspicion as to the true intentions of the Imperial Government, and sees in the present conjuncture dangers (which do not exist) against the independence and security of the Oriental State. It was lawful to suppose that the reiterated proofs of frankness and loyalty in which the policy of the Imperial Government abounds towards the neighbouring States, would be

sufficient to withdraw from the mind of the Paraguayan Government whatever apprehension it might have had respecting the end of the resolution which the Emperor has made, and which he was obliged to take in consequence of the constant denial of justice to the claims which, since a long time, he has made fruitlessly to the Oriental State.

The Imperial Government, by the mere fact of its sending to Monte Video the Senhor Consejero Saraiva, whose elevated qualities made him just the person for such a mission, gave a new and irrefragable testimony of moderation and desire to see its reclamations settled in an amicable manner; but unhappily this last call made to the Oriental Government, and the endeavours of the distinguished Brazilian diplomatist, were defeated by the systematic resistance which that Government opposed to them.

What is it that Brazil demands, that will not be and ought not to be carried out? The immediate chastisement, if not of all, at least of those known criminals who remain unpunished, some of whom occupy places in the Oriental army, or exercise civil positions in the State; indemnification for property of which its people have been despoiled by the local authorities; and lastly, guarantees that for the future no such attempts shall be repeated against Brazilian subjects, who reside under the protection of the laws of the Republic.

In the said note your Excellency alludes to the offer of mediation made by the Government of Paraguay to the Brazilian Envoy, at the request of the Oriental Republic, on the occasion when the negotiations were going on for the pacification of that State—a negotiation in which the praiseworthy and generous efforts of the Representatives of Brazil, of the Argentine Confederation, and of Great Britain were brought to bear—but the desired end was not accomplished, as your Excellency knows, from the Oriental Government refusing to accept the essential condition imposed by Señor General Don Venancio Flores.

I shall beg permission of your Excellency to observe that, considering the firm resolution which the Oriental Government appears to hold not to admit the Brazilian claims, whatever the mediation offered in the actual controversy, it would only serve to create new delays, deferring a state of things which would become intolerable for the Brazilians who inhabit the Oriental country, and thus disappoint the views of the Imperial Government, which holds to obtaining a quick reparation, so as to prevent during the actual disturbances the oppression and violence until this time practised on Brazilian subjects, and which have been repeated more frequently since the civil war which unfortunately devastates that country appeared.

The Imperial Government has repeatedly explained in various documents, which are at this time in the hands of the public, their just foundations for complaint against the Oriental Republic; proved by the undeniable testimony of its actions, its respect for the independence and autonomy of that State, and having given clear proofs of forbearance and moderation; but seeing its efforts lately employed to arrive at a friendly result entirely frustrated, it recurs to coercive measures which the right of nations at last authorizes to carry out that which cannot be obtained by persuasive means, thus, so that justice may be done to its claims. Certainly no consideration will make it cease from the execution of the sacred mission imposed upon it—to protect the life, honour and property of the subjects of His Majesty the Emperor.

I shall finish this communication assuring your Excellency that I am going to inform the Imperial Government of the contents of the note to which I now reply.

I take, &c.

(Signed) CESAR SAUVAN VIANNA DE LIMA.

Inclosure 6 in No. 17.

Señor Berges to Senhor Lima.

(Translation.)

Assumption, September 3, 1864.

THE Undersigned, Minister Secretary of State in the Department for Foreign Affairs, has had the honour to receive the note yesterday evening, dated the 1st instant, which your Excellency directed to him in answer to the one from this Ministry dated the 30th ultimo.

The mediation of the Government of the Undersigned has no relation whatever with the one which your Excellency says was uselessly attempted by the Representatives of Brazil, the Argentine Republic, and Great Britain.

Without entering into the motives which made that joint mediation fruitless, the Undersigned will only remark that it had for object the settlement of the internal question

of the Oriental Republic, mediating between the legal Government and the rebellion which it was fighting against.

The propositions of the mediation offered by the Government of the Undersigned to that of His Majesty the Emperor of the Brazils differed essentially from the other, since it was offered to a sovereign Government for the friendly settlement of its international questions with another Government equally sovereign.

In acting in this manner, the Paraguayan Government desired precisely to avoid, by its good offices between Brazil and the Oriental Republic of the Uruguay, the position in which they respectively find themselves placed, and which is the very one which has obliged it to address to your Excellency the solemn protest of the 30th of August.

But that your Excellency may not maintain any doubt as to the opportunity of a mediation, the Undersigned declares, it never entered the idea of his Government to offer any mediation in the state in which matters have now reached, and if any passing allusion was made in his note referred to above, to that which before was fruitlessly offered to the Government of your Excellency, it has been made only to remind him that it had been made to avoid the painful situation in which the relations of His Majesty the Emperor of the Brazils with that of the Oriental Republic of the Uruguay are now placed.

Although the Government of the Undersigned attributes great respect to the frankness and loyalty of the policy of the Government of your Excellency, it laments that it cannot free itself from the apprehension to which your Excellency refers, and from which it must confess it is not able to free itself, in face of the threatening and hostile attitude created by the ultimatum of his Excellency Senhor Consejero Saraiva to the Oriental Republic of Paraguay.

The note of your Excellency not altering in any way the situation which caused the solemn declaration of the Undersigned's Government, it is proved that, for certain, on no consideration will the Government of your Excellency cease from employing coercive measures, which it had resolved to put into execution ; and corroborating the protest which it has directed to your Excellency, in the note of the date of August last, it will be its painful duty to carry it into effect, whenever the deeds therein mentioned arrive for confirming the assurance which your Excellency has transmitted in his note to which this is a reply,

The Undersigned, &c.

(Signed) JOSE BERGES.

No. 18.

Mr. Thornton to Earl Russell.—(Received November 6.)

My Lord,

Buenos Ayres, September 23, 1864.

DURING the last few days I have had several conversations with Señor Elizalde with regard to the revelations made by Señor Berges, Paraguayan Minister for Foreign Affairs, in his note of the 30th ultimo to Señor Vasquez Sagastume, as to the proposals made by the Monte Videan Government with regard to the Island of Martin Garcia, and to General Urquiza and the Province of Entre Rios. His Excellency assures me that although the Argentine Government consider that this conduct on the part of the Monte Videan Government, of which they had previously been confidentially informed, would fully justify this Republic in even declaring war against that of the Uruguay, they have determined to use their best endeavours to preserve peace both internal and external. They feel, his Excellency adds, that any hostilities would bring with them heavy expenses, which the Republic is ill able to bear ; that they are now earnestly engaged in regulating and increasing the revenues of the country, so as to be able to meet their engagements with their native and foreign creditors, and to contribute to internal improvements, and that the only chance of attaining these ends is the preservation of peace.

With reference to the attitude assumed by the Republic of Paraguay in declaring that she will not consent to the temporary or permanent occupation by Brazilian forces of any part of the territory of the Republic of Uruguay, with a view to obtaining satisfaction for injuries done to Brazilian subjects, his Excellency states his opinion that Paraguay is not justified in taking up such a position. He says that Brazil has real grievances to complain of at the hands of the Monte Videan Government, and has a right to take measures for obtaining redress ; but he does not believe that she has any idea or intention of permanently occupying any part of the Monte Videan territory, or of making any attempt upon the independence of that Republic. His Excellency adds that assurances have been given to this effect by the Brazilian Government, and that if it were not so, the Argentine Government would be the last to acquiesce in any such proceedings. His Excellency, however, assures me that should any conflict arise between Brazil and Paraguay on account of the

attitude assumed by the latter, the Argentine Government will observe the strictest neutrality, unless forced into hostilities by a provocation to which they could not submit, such for instance as the passage of Paraguayan forces through Argentine territory for the purpose of attacking the Brazilians.

Señor Elizalde has authorized me to communicate to your Lordship this general sketch of the intentions of his Government, which I stated to his Excellency would, I thought, be gratifying to that of Her Majesty.

I have, &c.
(Signed) EDWD. THORNTON.

No. 19.

Mr. Lettsom to Earl Russell.—(Received November 6.)

My Lord,

Monte Video, September 26, 1864.

I HAVE the honour to transmit to your Lordship herewith translation of a note from Dr. Antonio de las Carreras, and also translation of a document therein contained, relating to the subject of the protection extended by the Brazilian authorities of the frontier to Commander Fidelis. Paez da Silva, said to be a Brazilian, who is serving under the orders of General Flores.

I have further the honour to place in your Lordship's hands a copy of my answer to Dr. de las Carreras' note.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure 1 in No. 19.

Señor de las Carreras to Mr. Lettsom.

Ministry of Foreign Affairs,

Monte Video, September 10, 1864.

(Translation.)

MR. LETTSOM has already been made aware, by the official publications of the Government of the Republic, which have at different times been transmitted to the Legation, as well as by the declarations of the Brazilian Deputies, and even of the Ministers of the Empire, of the participation taken, and continued to be taken, by Imperial subjects of the Province of Rio Grande del Sud, and also of the passive, if not consenting, attitude of the authorities of the same province, in regard to the rebellion which devastates this Republic.

A fresh occurrence, described in the note of which a legalised copy is annexed, serves to demonstrate once more the truth and justice of the claims of the Oriental Government against the participation of the frontier authorities of the Empire in the invasion of Don Venancio Flores.

By that document, Mr. Lettsom will see that the Brazilian Commander Fidelis Paez da Silva, still in the pay of the Government of the Emperor, was routed and pursued by the forces of the Department of Cerro Largo, until they obliged him to pass the line of the frontier.

This military affair, which would have left that important part of the Republic free from anarchists, has become sterile, as has been the case several other times, by the bad proceeding of the Rio Grande authorities publicly allied to the invaders of the Republic.

Fidelis, after having rallied his forces within the territory of Brazil, has again invaded the Department of Cerro Largo, notwithstanding the claims made opportunely by the military commandant on the spot to the local Brazilian chief on the frontier.

In bringing this new occurrence to the knowledge of Mr. Lettsom, I have no other object than to furnish the English Legation with a new fact, which will contribute, I am certain, to enable Mr. Lettsom to form a correct judgment of the character of the Brazilian policy respecting this country and its Government.

The order of his Excellency the President of the Republic thus fulfilled, it is highly grateful to me to renew to Mr. Lettsom the assurances, &c.

(Signed) ANTONIO DE LAS CARRERAS.

Inclosure 2 in No. 19.

Señor Coronel to the Minister of the Interior.(Translation.)
(Extract.)*Melo, August 24, 1864.*

BEING thus completely routed by this operation, we thought we should be able to free the department of this pest of thieves, altogether Brazilians with the name of liberators; but, unfortunately, M. le Ministre, every effort will be fruitless by the manifest co-operation lent to them by the Brazilian authorities of the frontier. The anarchist Fidelis is allowed to pass the night in Brazilian territory, advancing a league and a half from the line when he fears an attack by our forces, according to declarations of his own prisoners; in this manner there is no force whatever that can destroy him.

But there is still more, M. le Ministre; during the tenacious pursuit of the enemy several groups separated themselves from the column and crossed the frontier. The claim in this case being instituted before the Brazilian authorities, these replied that they thought those individuals were neighbours who conducted their horses to Brazilian territory.

It will not be inevident to your Excellency that the strange and inexplicable protection received from the frontier authorities by the anarchist Fidelis places him in a most advantageous position to defeat on all occasions every operation undertaken against him by the forces of this Department. It is thus that after this great dispersion of his forces and by reason of the lateness of the evening we withdrew to a distance of five leagues from Aceguá to recover our horses and undertake any fresh movement that we might have deemed opportune, we were surprised on the 17th at 4 o'clock in the morning by the Anarchists, who, by the incorporation of some parties from the north of the Rio Negro, had repassed the frontiers of Brazil, circumventing in this manner our guards and making a mockery of the faith we put in the frontier authorities.

Inclosure 3 in No. 19.

*Mr. Lettsom to Señor de las Carreras.**Monte Video, September 26, 1864.*

THE Undersigned has the honour to acknowledge the receipt of the note of the 10th instant, addressed to him by his Excellency Dr. Antonio de las Carreras, &c., relative to the protection extended to the commander Fidelis Paez da Silva.

It cannot but be greatly lamented that the frontier authorities should so openly disregard the orders of the Imperial Government.

The Undersigned, &c.

(Signed)

W. G. LETTSOM.

No. 20.

The Secretary to the Admiralty to Mr. Hammond.—(Received November 9.)

Sir,

Admiralty, November 7, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral the Hon. Charles Elliot, dated the 7th October, with copies of its inclosures, reporting generally on the state of affairs in Brazil and the River Plate.

Inclosure 1 in No. 20.

Rear-Admiral Elliot to the Secretary to the Admiralty.

(Extract.)

"Bombay," at Rio de Janeiro, October 7, 1864.

I AM informed by a letter from Captain Crofton of the 14th ultimo, that, on the recommendation of Mr. Lettsom, who thought hostilities might break out between Brazil and the Oriental Republic, he directed Lieutenant Nott of the "Sheldrake" to take under his orders the "Doterel" and "Spider;" and in consequence of the political disturbances in the Uruguay, and with the view of giving countenance and protection to British

subjects, show the flag at the different ports in that river at which British interests are likely to be exposed to injury.

He likewise desired him to afford protection to Portuguese subjects, and in no way to interfere between the contending parties.

Captain Crofton described the whole country to be in a very distracted state. All attempts by the Italian Minister and others to bring about a settlement of the civil war, and of the difficulties with Brazil, had failed.

The Monte Videan Government had sent the Brazilian Resident Minister his passport, and he took his departure for Rio de Janeiro in the "Amazonas" war-steamer. The town of Monte Video remained quiet, but trade was paralyzed.

Captain Crofton's last communication is dated the 29th of September; up to that time nothing of importance had occurred at Monte Video, the town and neighbourhood being still perfectly quiet.

The Brazilian Admiral was at Buenos Ayres, and his gun-boats were in the Uruguay, assisting Flores with ammunition and stores.

Lieutenant Stubbs of the "Spider," writing from Salto (in the Uruguay) on the 27th of August, said the inhabitants (both foreigners and English) in and about the neighbourhood of that town were in a great state of alarm in consequence of expectations that the Brazilian forces would cross the frontier. He said he had learned from good authority that it was the intention of the Brazilians (who had a small naval force in the river) to take possession of the Monte Videan steamer-of-war "Villa del Salto," the commander of which vessel had directions to blow her up rather than deliver her up.

Inclosed are extracts from reports from Lieutenant Stubbs and Lieutenant Nott, of the circumstances under which the "Villa del Salto" was subsequently destroyed by her own crew after being fired into by the Brazilian vessels.

It had been expected that Flores would attack the town of Paysandu; but that place, which he has been threatening, is now said to be too strong for him, and it is considered more probable that he will make an attempt upon Salto.

I learn from Lieutenant Nott, of the "Sheldrake," who writes from Salto on the 15th ultimo, that all was quiet there up to that date. He reports that the arrival of Her Majesty's gun-boats had given confidence to all the foreigners, who looked to them for protection, as considerable alarm had previously existed.

The foreign naval force on the River Uruguay consists of the French gun-boat "Decidée," three Brazilian gun-boats at Paysandu, and four Buenos Ayrean vessels at Martin Garcia.

I intend to sail on the 13th instant for Monte Video, taking with me the "Stromboli" and "Alecto."

Inclosure 2 in No. 20.

Extracts from Letters written by Lieutenant Stubbs, of the "Spider," to Captain Crofton.

"Spider," off Arroyo Malo, near Paysandu, September 4, 1864.

I HAVE to inform you that two Brazilian gun-boats arrived at Salto (one of which is the "Belmonte"), and also that the Monte Videan steamer of war "Villa del Salto," when on her way from Mercedes to Paysandu, was attacked by one of the Brazilian gun-boats, which fired several shots at her; she, however, escaped unhurt, and took refuge in the port of Concepcion del Uruguay, and during the night escaped from there, and went on to Salto, where she arrived before the two Brazilian gun-boats. The town of Salto became much disturbed on the arrival of these vessels, and every preparation made to make as much resistance as possible. The coat of arms over the Brazilian Vice-Consulate had been torn down and thrown into the street.

An attack on Paysandu is daily expected to be made by General Flores and a Brazilian reinforcement, which are now on the march from Mercedes, which place has been taken by General Flores without opposition.

The town of Paysandu is in a state of great alarm. Several English residents about the neighbourhood of Paysandu have requested the protection of the British flag.

"Spider," off Paysandu, September 7, 1864.

I beg to acquaint you of the arrival of Her Majesty's gun-boat under my command at Paysandu yesterday, and that the Brazilian gun-boats in the river had altered their positions since my letter of the 4th instant, and that the Monte Videan steamer of war "Villa del Salto" had taken refuge at Concordia.

One Brazilian gun-boat was at anchor off the Saledero, a few miles above Paysandu, being a narrow part of the river, another at Concordia, and another at Salto, the Commander of which demanded the military Commandant (Senhor Trillo) to disarm the "Villa del Salto" immediately, but was refused, and the Brazilian Commander informed that the Commander of the "Villa del Salto" had orders to resist any attack made upon her.

The following morning, Tuesday, 6th instant, both Brazilian gun-boats (one of which was the "Belmonte," bearing a Commodore's broad pendant) left Salto and Concordia, and anchored off Mesa de Artigas (six leagues below Salto) the same evening. At about 4 P.M. the "Villa del Salto," accompanied by the English steamer "Fairy," left Concordia and anchored for the night a short distance below the Elvido Pass. The following morning "Villa del Salto" and "Fairy" passed both Brazilian gun-boats without any molestation; but as soon as they found that the "Villa del Salto" had passed they proceeded in pursuit of her. At about 1 P.M., when about to pass the Brazilian gun-boat stationed off the Saledero above Paysandu, she fired a blank charge for the "Villa del Salto" to stop, but she closed the gun-boat and fired a shot at her; a sharp fire was then opened from the gun-boat, and several shots exchanged before the "Villa del Salto" steamed past and made for the port of Paysandu, where she was anchored as close as possible to the shore without grounding, and then set on fire by the men then on board. She having been previously prepared for burning, was lighted in three different places, and was not long becoming enveloped in flames; she was fired at 3 P.M. to-day. On my departure from Paysandu I passed the Brazilian gun-boat "Jequitinhona," bearing the Commodore's broad pendant, and the "Belmonte" at anchor a few miles below Paysandu; the other gun-boat was at anchor in the port of Concepcion del Uruguay when I passed.

A great number of foreigners had left the town of Paysandu and gone to Concepcion del Uruguay and Buenos Ayres; others are living on board the vessels at anchor in the port and on the island opposite the port of Paysandu. Those who remain in the town are in a great state of alarm from the anticipated attack on the town by General Flores.

The town of Paysandu is garrisoned by about 1,200 Government troops, under the command of Colonel Leandro Gomez.

General Flores, with his army, are supposed to be a few leagues from Fray Bentos, towards the Rio Negro.

*"Spider," off Arroyo Bobicua, near Fray Bentos,
September 10, 1864.*

Since my letter dated the 7th instant acquainting you of my departure from Paysandu, I have learnt that General Flores arrived with a large portion of his army at Paysandu on the night of the 8th instant, and that it is his intention to attack that town. On the 19th of August last the Government troops that were stationed at Fray Bentos under the command of Captain Lerravide were removed to Paysandu.

Inclosure 3 in No. 20.

Lieutenant Nott to Captain Crofton.

(Extract.)

"Sheldrake," Salto, September 15, 1864.

FOUND at anchor at Paysandu on the 11th, about four miles below the town, the Brazilian men-of-war "Jequitinhona" and "Belmonte." I communicated with the commandant, Señor Leandro Gomez, who informed me that General Flores, with his forces, was on the outskirts of the town, but had not made any attempt to attack it; also that the Brazilian senior officer was in daily communication with him.

The Brazilian senior officer having offered me his services on the following day I called upon him, when he communicated what had taken place with regard to the attack on the Monte Videan man-of-war "Villa del Salto." It appeared she was coming down the river and passed the corvette unmolested, but on meeting the "Belmonte" two blank guns were fired to oblige her to stop, which the "Villa del Salto" answered by firing into the gun vessel with grape and musketry; the Brazilian gun-vessel then fired four shotted guns at her, the "Villa del Salto" was then run on shore at Paysandu and set on fire by the orders of the commandant, the object of the Brazilians being to oblige the Monte Videan Government to disarm her.

No. 21.

Mr. Thornton to Earl Russell.—(Received November 20.)

My Lord,

Buenos Ayres, October 13, 1864.

M. LEAL, Brazilian Minister Resident to this Republic, called on me this morning and informed me that Admiral Baron Tamandaré, Commander-in-chief of the Brazilian naval forces in these waters, is about to address a circular to the diplomatic body at Monte Video, relative to the attitude now taken by Brazil with reference to the Republic of the Uruguay. After explaining the grievances which have led to this state of things, and the endeavours of the Brazilian Government to arrive at a peaceful solution of the questions between the two countries, the Admiral will state to the Diplomatic Agents that it has been decided to appeal to force for the purpose of obtaining satisfaction; that accordingly a Brazilian land force will arrive on the coast of the River Uruguay from the 18th to the 20th instant, and will proceed to disarm any military force under the orders of the Monte Videan Government which it may find in the territory of the Republic north of the Rio Negro, whether this force be met with in the towns or in the open field. This is the action which the Brazilian force will take for the present, in the hope that the Monte Videan Government may see the necessity of giving due satisfaction for the grievances of which the Imperial Government have already put forward a formal and detailed statement.

Baron Tamandaré will add that the naval forces will co-operate with the troops, and in doing so will be under the necessity, without the slightest intention of impeding the free navigation of the River Uruguay, of preventing contraband of war destined for the use of the forces of the Monte Videan Government from being conveyed up that river under any flag whatever.

M. Leal told me that the Brazilian land force, of which the Admiral will write, has been detached from the army on the frontier of the Province of Rio Grande, and will consist of about 8,000 men.

Some Brazilian gun-boats are already in the River Uruguay, and more will shortly follow. I understand that armed boats are being sent up the Rio Negro, and that a small steamer, the "Mercedes," has been hired by the Brazilians and armed for service in that river; and as it is supposed that the Monte Videan army, commanded by General Servando Gomez, is on the north side of the Rio Negro, the Brazilian Minister and Admiral evidently hope that their forces will be able to prevent the General's retreat towards Monte Video and to oblige him to surrender to them.

I trouble your Lordship with this information because M. Leal stated that Mr. Lettsom would hardly receive the Admiral's circular in time to be able to transmit its contents by the French packet, for which I hope this despatch will still be in time.

I am sending a copy of it to Mr. Lettsom.

I have, &c.

(Signed) EDWD THORNTON.

No. 22.

Mr. Lettsom to Earl Russell.—(Received December 3.)

My Lord,

Monte Video, October 17, 1864.

AS your Lordship is aware, Mr. Thornton forwarded to me a copy of his despatch to your Lordship of the 13th instant, referring to a communication which Baron Tamandaré, Commander-in-chief of the Brazilian naval forces in these waters, purposed addressing to me.

I have the honour to transmit to your Lordship herewith copy of a communication that I have addressed to Mr. Thornton in connection with this matter.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure in No. 22.

*Mr. Lettsom to Mr. Thornton.**Monte Video, October 17, 1864.*

(Extract.)

I BEG leave to express to you my sincere thanks for the copy you were so good as to forward to me of your despatch to Earl Russell of the 13th instant.

I have not, as yet, received from Baron Tamandaré the communication to which you refer in that despatch.

I presume that Baron Tamandaré, having thought the matter well over, will not address to me such a communication.

Should he, however, do so, I shall reply to him that I do not recognize the right of Brazil, in the absence of a declaration of war, or even of the notice of a blockade, accompanied with the established formalities, to detain any English vessel whatever upon any plea, be it what it may.

No. 23.

*Mr. Lettsom to Earl Russell.—(Received December 3.)**Monte Video, October 19, 1864.*

(Extract.)

I HAVE the honour to transmit to your Lordship a copy and translation of a note addressed by Dr. A. de las Carreras to the Diplomatic Body through the Italian Minister, Signor Barbolani, the actual senior member thereof, acquainting us that at Buenos Ayres there is preparing for the 17th instant an attack on this city, in combination with the forces under General Flores.

Up to this day, however, no such attack has been made.

Dr. de las Carreras further states that General Flores has recently had the assistance of two gun-boats of the Brazilian navy, which have brought him ammunition and other aid, and no doubt can be entertained, I conceive, that this is so.

His Excellency concludes his note by inquiring whether, in the case of such an attack being made, in the actual state of affairs between this Republic and Brazil, and the Argentine Confederation, the foreign Representatives will be willing to come to a determination in the sense of guarantees of order and external security.

I have further the honour to place in your Lordship's hands a translation of the answer given by Signor Barbolani, in the name of himself and colleagues, to Dr. de las Carreras' note.

Signor Barbolani states therein that, as on former occasions, the commanders of the different naval forces shall be invited to afford contingents for the safety of the banks and other public establishments, on notice being received from the Government of the Republic that the danger of internal commotion is imminent, but that with respect to external security being impaired the Diplomatic body must confine itself to the reserve of adopting, upon the fact occurring, the resolutions which the interests of their countrymen may dictate.

This entire question is one of peculiar embarrassment in this exceptional country, where there are next to no national interests, and where the Government is now seeking to obtain the aid of foreign Powers to help it out of a difficulty which is entirely of its own creating.

Inclosure 1 in No. 23.

*Señor de las Carreras to Signor Barbolani.**Monte Video, October 14, 1864.*

(Translation.)

IT has come to the knowledge of the Government, through a source worthy of credit, that from the city of Buenos Ayres there is preparing for the 17th instant an attack upon this capital, in combination with the forces which the rebel Venancio Flores commands.

Although this information does not come accompanied by the details that would be desirable as to the class of troops and nationality of the vessels, the disloyalty with which the authorities of Buenos Ayres have hitherto acted, as well as the Brazilian seamen, who have just exhibited the scandal of acting in complicity with Flores, conveying to him his infantry, artillery, baggage, and ammunition in two gun-boats of the navy to facilitate his

movements upon the capital and to escape the persecution of the army of operations, raises a suspicion that that attack may be prepared with Argentine and Brazilian assistance.

In the state of peace in which the Republic is with the Argentine and Brazilian Governments, although the relations with those Governments are interrupted, an attack such as the one that is announced would be the most unheard-of illegal proceeding, the most irritating contempt of international laws, wherein would be involved the ruin of very valuable foreign interests radicated in the city.

The Government of the Republic being resolved to resist all aggression, come from where it may, without stopping before the number and power of the elements that may be employed, will put in action all those that may be in its reach to cause the national sovereignty and independence to be respected, causing by this means and at the same time that the guarantees due to the persons and properties of the inhabitants of the country may be rendered effective.

But as by the weight and power of the means that may be employed for an attack in combination with the rebels, who are now in the vicinity of the capital, the resistance that might be opposed thereto might prove inefficacious, it being then impossible for the Government to render those guarantees effective; and as, on the other hand, such an attack would be, in the situation of affairs with the Argentine Republic and with Brazil, an act of true piracy, whether committed with ostensible support and co-operation, or whether extending thereto a tolerance which would be the more criminal as the act would be more disloyal, his Excellency the President of the Republic, relying on the solicitude which the diplomatic body has always shown for order and for the security of the persons and property of foreign residents, has ordered the Undersigned, Minister Secretary of State in the Department for Foreign Affairs, to address this communication to your Excellency, as the senior member of that body, with the view that being pleased to make known to your honourable colleagues the fears above expressed, your Excellency should invite them to take a determination in the sense of guarantees of public order and of external security, conformably to the principles established by the Law of Nations for cases of that nature.

In fulfilling this charge the Undersigned permits himself to call the attention of your Excellency to the pressure of the time, and to the fitness of taking opportunely saving measures for interests so worthy of help and protection.

The Undersigned, &c. (Signed) ANTONIO DE LAS CARRERAS.

Inclosure 2 in No. 23.

Signor Barbolani to Señor de las Carreras.

(Translation.)

M. le Ministre,

Monte Video, October 15, 1864.

I HAVE received the note which, under yesterday's date, your Excellency has done me the honour to address to me in my character of senior member of the Diplomatic Body.

Your Excellency in making known in that note that the Government of the Republic having founded motives for thinking that on the 17th instant there would be attempted an attack upon the city of Monte Video by Brazilian forces and Argentine forces, in combination with those of General Flores, and fearing that in such a case the means of which the Government could dispose may not be sufficient to render efficacious the guarantees due to the persons and the property of the inhabitants of the country, your Excellency, by order of his Excellency the President of the Republic, invites the Diplomatic Body to take a deliberation for the maintenance of public order and of external security, in conformity with the law of nations in cases of such a nature.

The Diplomatic Body has lost no time in deliberating upon this grave communication, and it has charged me to reply to your Excellency that, lamenting deeply the extremities at which things have arrived, and ready to come, as it has already done, to an understanding with the Government of the Republic for all that may concern the security of the public establishments that comprise collective interests, such as are the Custom-house, the hospitals, and the banks, as soon as the Government of the Republic shall have made known to it that its apprehensions are upon the point of being realized, the Diplomatic Body will invite the Commanders of the different naval stations to come to an agreement among each other to proceed to the execution of the measures above referred to.

With respect to what regards external security, the Diplomatic Body, abstaining from entering into a discussion upon the disagreeable events that have taken place, reserves to

itself to take, when the occurrence happens, those resolutions that will appear dictated by the interests of their fellow-countrymen.

In having the honour, by the special charge given to me to this effect by my colleagues, to reply in this manner to the note of your Excellency, I avail, &c.

(Signed) R. ULYSSES BARBOLANI.

No. 24.

Mr. Lettsom to Earl Russell.—(Received December 3.)

My Lord,

Monte Video, October 19, 1864.

IN my previous despatch of this date I had the honour of transmitting to your Lordship translation of a correspondence between Dr. A. de las Carreras and Signor Barbolani, the senior member of the Diplomatic Body, on the amount of assistance sought by the Government of the Republic in the case of internal and external security being impaired.

Dr. de las Carreras, as your Lordship will see by the annexed translation of a second note of his upon this matter, does not look upon the answer given on the 15th instant by the Diplomatic Body to his former application, of the day previous, as sufficiently explicit with respect to the question of the assistance to be afforded for the maintenance of external security.

His Excellency now asks for a more positive declaration on our part upon this point.

I have further the honour to forward to your Lordship translation of Signor Barbolani's answer to the renewed application of Dr. de las Carreras.

In this application Signor Barbolani acquaints his Excellency that as the Government can define neither the nature of, nor the time at which, the aggression feared is to take place, the Diplomatic Body must maintain a reserve, but that should such an attack as is dreaded be made prior to a declaration of war, the naval forces of their respective Governments would not see with indifference such a violation of international law.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure 1 in No. 24.

Señor de las Carreras to Signor Barbolani.

(Translation.)

M. le Ministre,

Monte Video, October 16, 1864.

I HAVE had the honour of receiving and of submitting to the knowledge of his Excellency the President of the Republic the note that, under yesterday's date, your Excellency has been pleased to address to me, communicating to me the resolution adopted by the Diplomatic Body, in consequence of the note that I addressed to your Excellency, as the senior member thereof, on the 14th instant.

Intimately convinced of the sentiments which animate the agents accredited near the Government of the Republic, for the maintenance of order and of the guarantees established for the persons and the property of all its inhabitants, I had reckoned beforehand upon the spontaneity of the Diplomatic Body to co-operate for the safeguard of interests so precious to every regular and civilised Government.

In consequence, I am ready to come to an agreement with your Excellency and your honourable colleagues for the measures indicated, and which have been already taken in former times for occurrences of an identic or of an analogous nature.

Thus much with respect to internal security.

With regard to the question submitted with respect to the nature of an external attack, which, according to information worthy of credit, is preparing against the capital, since the Government is in peace with all the world, although the official relations with the Argentine and Brazilian Governments are interrupted, there can be but one opinion touching such an act, in the presence of the principles that obtain in the matter; and for this reason his Excellency the President of the Republic regrets that the Diplomatic Body should reserve to itself the taking of a suitable determination, when the occurrence that is feared is on the point of taking place, and shall have been communicated by notice of the Government.

If the situation were regular, conformable to the principles of the law of nations

with respect to the Argentine and Brazilian Governments, and if there were a certainty that those Governments would respect the rules established for acts of war, it would be easy to foresee the case alluded to : but when anterior acts, recent ones, and those which, according to public report, are preparing on the part of those Governments, especially by that of Brazil, with respect to the Republic, reveal a contempt of the rules of ordinary public law to commit hostilities against this country, iniquitously agitated by an unjustifiable rebellion scandalously assisted by them, it is not possible to determine the moment or the day in which the attack is to take place, because the treachery employed hitherto will be one of characters by which it will be distinguished.

It is the duty, then, of the Government to make ready for the evil as far as it is possible for it to do so, preparing itself to employ all the means in its power; but, as it does not know the elements that may be put in action for such an attack, and those being, perhaps, superior to the ones it may employ, social guarantees may be illusory. In such a case, foreign diplomacy which, true to those principles that are consecrated by cultivated and civilised nations for sparing pain and sacrifices to humanity, cannot consider as just or legitimate an attack such as the one that is denounced, and which, from its juridical irregularity, is impressed with the conditions of piracy and filibusterism, will not, I am certain, abstain from the duty which the common danger imposes upon it, agreeing both on the means of defending and protecting the very important interests concentrated in the capital, as well as of assuring the security of all its inhabitants. Such an attack, in which divine and human laws are violated, in which duties are ignored, contracted both by the condition in which those Governments claim to present themselves before the civilised world as well as by the pacts and solemn declarations of subjecting themselves to established rules, and especially those established at the Congress of Paris, cannot but be considered as a common attack, to combat which good sense, social and political reason, and the instinct of one's own preservation counsel that the forces of all should be united, in the manner in which all men of different religions and political creeds, of distinct and different origin, unite when a public calamity threatens the place of their residence.

Permit me to call very especially the attention of your Excellency and of your honourable colleagues to this point, which may be a capital one, and of very transcendental importance. My Government fulfils, at least, a duty that relieves it from that responsibility which belongs to every regular Government, although it will not refrain from exhausting, if necessary, all the means that may be within its reach in the safeguarding of those precious rights, the interest whereof moves it to this step with the diplomatic functionaries accredited in the country.

However lamentable may be for the Diplomatic Body the extremities at which the differences with the Government of Brazil have arrived, that of the Republic persuades itself that the recognised enlightenment and rectitude of the public Agents resident in the State will do it the justice of admitting that it did all that it could with dignity to avert an interruption of relations which it did not provoke, but which it has had to accept for its own honour.

The measures adopted by the commander of the naval forces of Brazil, which he calls reprisals for acts of violence that are not established, wanting as they do the conditions of just and legitimate acts—that is to say, not having, from an absence of foundation, a regular standing-place conformable to law—are extended to acts that, in addition to being acts of war, are in contradiction to the declarations of the Councillor Saraiva in his notes of the 4th and the 10th August, by which these reprisals would only take place in every ulterior case; thus altering, without cause or motive that is established, the situation in which matters remained at the departure of that diplomatist.

But this should not cause surprise.

At this very time there is announced the despatch of a circular of that very Chief to the Diplomatic Body accredited in the Republic, wherein, announcing that he is going to operate in the Uruguay in accord and in combination with the land forces that are about to invade this country, he recommends foreign vessels to abstain from carrying arms, munitions of war, soldiers, or persons dependent on this Government, with the threat of capturing them in the contrary case.

This, which will be the climax of audacity, the most affronting mockery of the law of nations, the most unheard-of contempt of the rules and principles established and recognised by the civilised world, will be an act which diplomacy and the Governments of Europe and America will without doubt reprobate, refusing to recognise or protesting against its consequences, from the grave prejudices that they will bring to the persons and the interests of their co-nationals established in the country, and unprepared for acts that they have not been able to foresee, having faith in morality and justice, and confidence in the respect due by the Brazilian Government to the rights of a sovereign and independent people.

When such acts take place, or are announced in official documents, with which already one of the members of the Diplomatic Body is acquainted privately, and when on the other hand the toleration is known with which the Argentine Government looks on the labours of the Revolutionary Committee established at Buenos Ayres, which publicly prepares warlike elements to promote the vandalical war which devastates this country, the persuasion produced by reports worthy of credit that there is preparing by sea an attack upon Monte Video, combined with another by land, acquires great consistence and force in the mind of the Government, which fears everything from the perfidy of its officious enemies.

In such a situation, in anticipation of the results to which acts may give place, the Government of the Republic desires to know if the Diplomatic Body, to which it addressed itself by the organ of your Excellency, is disposed to take suitable measures for preventing an external attack, acting immediately to protect the interests of its co-nationals against the consequences of this act; and it requests at the same time a declaration upon the manner in which it will look on the acts of which the Chief of the naval forces of Brazil makes mention in the circular note which it is asserted has been addressed to it.

And although the request for this declaration may appear premature or anticipated, the gravity of the acts that are announced would impose upon the Government of the Republic such a line of duty that it is of importance to its ulterior policy to know the attitude which the Representatives of friendly nations will take in such a situation, in order not to hazard, upon presumptions that may be erroneous, measures that may be avoided in the interest itself of the foreigners residing in the departments of the country.

Having thus carried out the orders of his Excellency the President of the Republic, I renew, &c.,

(Signed)

ANTONIO DE LAS CARRERAS.

Inclosure 2 in No. 24.

Signor Barbolani to Señor de las Carreras.

(Translation.)

Monte Video, October 17, 1864.

M. le Ministre,

I HAVE received the note which your Excellency has done me the honour to address to me under yesterday's date, relative to the answer which the Diplomatic Body had charged me to give to the anterior note of the 14th instant.

I lost no time in communicating it to my colleagues; and we have all seen with satisfaction that the opinion of the Government of the Republic is in accord with ours with respect to the internal security of this capital.

We have, in consequence, requested the senior officers of the different naval stations to take the necessary measures as soon as we receive the official notice from the Government.

With respect to the question relating to external security, upon which your Excellency has thought it right to persist a second time, we have had already the honour of making known to you that the Government itself of the Republic not being able to indicate precisely either the nature or the moment in which the aggression which is feared may take place, the Diplomatic Body ought to confine itself to making its reserve. It has nevertheless authorized me to declare to you that in the case of an attack which, without a previous declaration of war, may compromise the security of this port, where there are met with united collective interests of so many nations, the naval forces of our respective Governments would not remain indifferent before such a violation of all international law.

With respect to what concerns the circular which the Commander-in-chief of the Brazilian squadron is said to have addressed to the foreign Representatives accredited in this country, as we have not received it we should abstain from discussing it, but it would cost us an effort to think that it can be conceived in the terms indicated by your Excellency.

Fulfilling thus the charge received from my honourable colleagues of France, England, Portugal, and Spain, I avail, &c.

(Signed)

R. ULYSSES BARBOLANI.

Mr. Lettsom to Earl Russell.—(Received December 3.)

(Extract.)

Monte Video, October 21, 1864.

FROM the time that had elapsed without my receiving the letter from Baron de Tamandaré, spoken of in my despatch of the 17th instant, I hoped his Excellency, having thought the matter maturely over, had come to the determination not to address that communication to me. In this I was mistaken.

On the 18th instant his Excellency's letter, of which I have the honour to forward to your Lordship a translation, came to hand.

The pretensions set up in that letter appear to me, in every point of view, to be inadmissible. Inadmissible as applicable to the present question; inadmissible as tending to establish a precedent from which complications cannot fail to arise; and inadmissible from being opposed to the first principles of established law.

I have the honour to inclose a copy of my reply to Baron de Tamandaré's letter.

All my colleagues have answered his Excellency essentially to the same effect.

Baron de Tamandaré's letter, as your Lordship will observe, is dated the 11th of October, but it was not delivered till the 18th instant.

His Excellency left Buenos Ayres on the 16th instant for the River Uruguay, I trust not to put in practice his threat of detaining and searching British and other merchant-vessels; but at any rate without awaiting the answers of my colleagues and myself to his application.

The Oriental Government having requested the consent of the Diplomatic Body to the publication of Baron de Tamandaré's letter and of our answers, we assented to that request. The whole of the documents were published to-day.

When with Dr. A. de las Carreras the other day, I observed to him I thought the answers of my colleagues and myself to the letter of Baron de Tamandaré would lead, probably, to a declaration of war against the Republic on the part of Brazil. He told me he agreed with me in that opinion, and that he should prefer matters taking that turn to their remaining in their present condition.

Inclosure 1 in No. 25.

Vice-Admiral de Tamandaré to Mr. Lettsom.

(Translation.)

On board the sloop "Nitheroy,"

M. le Ministre,

Buenos Ayres, October 11, 1864.

YOUR Excellency is perfectly well informed concerning the progress of the special mission which my august Sovereign was pleased to direct to the Government of the Oriental Republic of the Uruguay, in order to make a last amicable appeal to that Government with the view to obtain from it the guarantees necessary to the life, the honour, and the property of the Brazilians resident in that State, who were victims to constant outrages and insults, even from the very authorities who were bound to protect them.

The documents concerning this frustrated negotiation make evident the good faith and moderation of my Government and the efforts made by the Brazilian Envoy, in co-operation with the Minister of Her Britannic Majesty and with the Minister for Foreign Affairs of the Argentine Confederation, for the purpose of establishing peace, under which these external complications might be of easy solution.

All was useless in the face of the obstinacy of the Oriental Government, and the Brazilian Envoy withdrew, after his ultimatum had been rejected, giving me instructions to proceed at once to make reprisals by sea, until such time as the Imperial army should cross the frontier to make them likewise by land.

My Government, having regard for the establishments of neutrals, the most valuable and important of those located in the country, and not wishing to alarm trade, or to injure the pacific national citizen or foreigner engaged in industrial pursuits or in turning to account his activity, conceived that it should cause the effect of the reprisals to fall upon that which immediately affected the Government, in order to oblige it, by means of this pressure, to give us the satisfaction demanded. To this end I received orders to exact that the war-steamer "General Artigas" should remain stationary in the port of Monte Video, which President Aguirre promptly agreed to, and likewise the chartered steamer "Villa del Salto," which was at Paysandu. The Government of Monte Video refusing to adopt in respect of this vessel the same determination as it had wisely taken in the case of

the other, your Excellency is already aware of what was the result of the attempt made to provoke us into a collision with the Argentine Confederation and the Republic of Paraguay.

Notwithstanding the perfidiousness attached to this proceeding, I did not hesitate to give the service of the ships of war under my orders in conveying to Monte Video the the Secretary of General Flores, who presented himself as deputed by the latter in a fresh negotiation of peace, entered upon by General Urquiza, because this was in the interest of the tranquillity of the Republic, which is a necessity, and of paramount expediency for all the foreigners who inhabit it, and especially for the Brazilians, by reason of their great number and the nearness of the two States.

Firm in its determination, and stimulated by the later proceeding of the Government of Monte Video, the Imperial Government resolved that our army should take possession of the forces dependent upon that Government which still hold the towns to the north of the Rio Negro, and should keep them as reprisals until we obtained the guarantees and satisfaction which we have in vain demanded to the present time with manifest denegation of justice.

To this end the squadron under my command is to co-operate with the said army, and to use all its exertions in order that those garrisons may not receive succours from from Monte Video, nor move by way of the river from the points at which they are at present.

In making this communication to your Excellency with all frankness and sincerity, I have for my object to solicit of your Excellency to issue the necessary orders that the vessels engaged in the navigation of these rivers under the flag of your nation, whether sailing-vessels or steamers, shall refuse to receive troops or munitions of war to convey them from one point to another, thus maintaining the perfect neutrality it behoves them to observe at the present juncture.

I shall thus be relieved from fulfilling the painful but imperative duty of exercising a constant vigilance over them, and to seize the contraband of war if found on board, assuring your Excellency in the meanwhile that the vessels engaged exclusively in their legitimate operations will always receive every support and assistance from the Brazilian naval forces.

I am convinced, M. le Ministre, that your Excellency, estimating the just value of the intention that guides me on the present occasion, which is not to cause the slightest difficulty to the free navigation of the rivers, nor to awaken groundless fears in commerce, in so far as this may be reconciled with the duties I have to perform, will not hesitate to concur in the measure which I request above in order to obviate the abuses spoken of.

I avail, &c.

(Signed) BARON DE TAMANDARE.

Inclosure 2 in No. 25.

Mr. Lettsom to Vice-Admiral de Tamandaré.

M. le Baron,

Monte Video, October 18, 1864.

I HAVE the honour to acknowledge the receipt this day of your Excellency's communication of the 11th instant, marked circular confidential, wherein your Excellency lays before me a statement of the conduct which the Imperial Government purposes pursuing with reference to the lamentable struggle which for so many months has been maintained in this country, and wherein your Excellency further addresses to me the request that I should give directions to the masters of British merchant-vessels navigating these waters not to receive on board troops and munitions of war, to carry them from one point to another, thus maintaining the perfect neutrality which it becomes them to observe in the present juncture.

It is not necessary for me to enter into detail upon the matters touched upon in the first portion of your Excellency's communication.

In the concluding portion of that communication, your Excellency speaks of the painful duty imposed upon your Excellency of exercising a constant vigilance over British merchant-vessels, with the view of detaining and searching them, and of seizing what your Excellency terms the contraband of war that may be found on board those vessels.

In reply to this statement, I have the honour to acquaint your Excellency that, in the view which I take of the matter, no question of maintenance of neutrality can, with propriety, be mooted on this occasion.

There are not any belligerent parties concerned in the strife now in progress here,

inasmuch as the military chief who has thought proper to raise the standard of revolt against the Government of his country cannot be looked upon by me in the character of a belligerent. He is simply a rebel. There being no belligerents there are no neutrals.

Moreover, in the absence not only of a declaration of war between Brazil and the Oriental Republic of the Uruguay, but even of the notification of a blockade of its ports, made with the prescribed formalities, I cannot admit that the expression employed by your Excellency, namely, "contraband of war," can with propriety be applied to any goods which English merchant-vessels are carrying in the course of their legitimate traffic, and I can, as a consequence, as little recognize the validity of the right now claimed by the Government of Brazil, upon the vague plea of carrying out reprisals, to detain, search, and possibly even seize, British merchant-vessels navigating the waters of this Republic upon the faith of solemn Treaties—waters which are essentially free, waters over which the Empire of Brazil exercises no sway whatever.

I have, in conclusion, the honour to observe, with reference to your Excellency's intimation as to the military and naval operations contemplated by Brazil against the commercial towns to the north of the Rio Negro, that should those operations prove the cause of damage to the British subjects residing in those places, it will remain for Her Majesty's Government to determine to what extent the Brazilian Government will be held answerable for those damages.

I have, &c.
(Signed) W. G. LETTSOM.

No. 26.

Mr. Lettsom to Earl Russell.—(Received December 3.)

My Lord,

Monte Video, October 28, 1864.

I HAVE the honour to forward to your Lordship a translation of a note from Dr. A. de las Carreras to Signor Barbolani, requesting the Diplomatic Body to take measures for sending naval aid to La Colonia in this country, that town, where there are important foreign interests to be protected, being threatened by a combined attack by General Flores by land, and by Brazilian naval forces acting on the river.

I yesterday presented Rear-Admiral the Hon. Charles B. Elliot to the President, and took the opportunity of inquiring of his Excellency what was the latest news from the interior.

The President told me the latest information the Government had received was that General Flores is marching towards Durazuo, a town almost in the centre of the Republic.

I mentioned this circumstance at the meeting of the Diplomatic Body, held yesterday afternoon, to determine on the answer to be given to the note of Dr. de las Carreras, and I pointed out to my colleagues that this application on the part of the Minister for Foreign Affairs was the first demand addressed to us for help to maintain what this Government terms "external security;" that it was the first step taken towards asking us to fight all the battles of the actual Ministry at the various ports; and that we should not omit bearing in mind that Dr. de las Carreras had announced to us, officially, a combined attack upon Monte Video for the 17th instant, which had not however occurred.

After a conversation on these points, the answer of which I have the honour to inclose a translation was drawn up.

The concluding portion of this answer refers to various small piratical vessels that have been equipped at Buenos Ayres, where they have taken illegally the Oriental flag. These vessels have proceeded up the river, where they have already exercised acts of piracy upon coasting vessels sailing under the Oriental flag, but in which numerous foreigners residing here are interested.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure 1 in No. 26.

Señor de las Carreras to Signor Barbolani.

(Translation.)

M. le Ministre,

Monte Video, October 26, 1864.

IT has become known to the Government through evidence in its possession that the rebel Venancio Flores is about to march upon the town of Colonia with the intention of taking it in combination with the naval forces of Brazil.

In bringing this fact to the knowledge of your Excellency as senior member of the Diplomatic Body, I hope that that honourable Body, consistently with its declaration relative to the port of Monte Video, will make it extensive to that of Colonia, where valuable foreign interests likewise exist which would be endangered by any attack which would not take place without the co-operation of the Brazilian forces.

I avail, &c.

(Signed) ANTONIO DE LAS CARRERAS.

Inclosure 2 in No. 26.

Signor Barbolani to Señor de las Carreras.

(Translation.)

M. le Ministre,

Monte Video, October 28, 1864.

I HAVE lost no time in communicating to MM. the Chargés d'Affaires of Portugal, of France, of England, and of Spain, the note which your Excellency did me the honour of addressing to me under date of the day before yesterday.

The Diplomatic Body, after having deliberated maturely upon this communication of your Excellency, has charged me to give the following answer to your Excellency :—

Whatever might be our disposition to extend to other points of the Republic the protection that we have determined to grant to the port of Monte Video in the cases anticipated in my note of the 17th of this month, the danger particularly indicated by your Excellency appearing to be removed, according to recent information drawn from the best source, the Diplomatic Body is of opinion that for the present there is no call for taking any measures in this respect.

There remains the question of the general security of commerce and of river navigation, to which the Diplomatic Body thinks it opportune to call the attention of the Government of the Republic, offering to it the concurrence of the foreign naval stations for the protection of interests of such importance against the acts of piracy already denounced by several Consular Reports and documents.

With this view we request your Excellency to be so good as to communicate to us an authentic list of the vessels that are legally authorized to carry the flag of the Republic.

I avail, &c.

(Signed) R. ULYSSES BARBOLANI.

No. 27.

Mr. Lettsom to Earl Russell.—(Received December 3.)

(Extract.)

Monte Video, October 28, 1864.

THE Government of the Republic have received from their authorities in the interior official notice of the entry of a considerable force of Brazilian troops from the Province of Rio Grande. and who will act in concert with General Flores.

As far as I am at present able to judge, this measure of the Brazilian Government does not by any means call forth that indignation which the Government papers of the capital (no others are allowed to appear) assert that it has caused.

On the contrary, I am disposed to think this aid given to General Flores is looked on rather favourably than otherwise, as tending to bring about a close of the revolution by leading, in all probability, to the defeat of the army of the Government.

I must confess that I do not see any cause of dread at the success of the Brazilian arms in this expedition. If by that aid General Flores should become triumphant, I conceive the existing misunderstanding with Brazil will be at once settled.

No. 28.

Mr. Lettsom to Earl Russell.—(Received December 3.)

My Lord,

Monte Video, October 28, 1864.

MY previous despatch of this date* was just signed when I received from Dr. Antonio de las Carreras the official notification, of which I inclose translation, of the entry of a Brazilian military force into the territory of this Republic.

* No. 27.

I have further the honour to place in your Lordship's hands a copy of my reply to his Excellency's communication.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure 1 in No. 28.

Señor de las Carreras to Mr. Lettsom.

(Translation.)

Monte Video, October 28, 1864.

THE military authorities of the Department of Cerro Largo have communicated to the Government of the Republic, by means of the documents that have already been published, the entry of a division of the Brazilian army of the frontier in the said Department.

That division, composed of a thousand and odd men, infantry and cavalry, has just violated the territory of the Republic on the pretence of a reprisal, and under the same pretext it has taken possession of the burgh of Melo, hoisting there the Imperial flag as a sign of occupation.

In consequence, I have received orders from the President of the Republic to bring to the knowledge of the English Legation this new act of war that Brazil has just consummated, without a previous declaration, and without any of the formalities prescribed by the Law of Nations; the Government reserving to itself at a future time to acquaint Mr. Lettsom, at a greater length, with the just apprehensions which that scandalous act, and those which have preceded it, awaken in its mind.

Hoping that Mr. Lettsom will avail himself of the next departure of the packet to communicate this grave occurrence to Her Majesty's Government, it is very grateful to me to renew, &c.

(Signed) ANTONIO DE LAS CARRERAS.

Inclosure 2 in No. 28.

Mr. Lettsom to Señor de las Carreras.

Monte Video, October 28, 1864.

WHILE acknowledging the receipt of the note of Dr. Antonio de las Carreras, Minister for Foreign Affairs, wherein is announced officially to him to-day the entry of a division of the Brazilian army of the frontier into the territory of the Republic, the Undersigned has the honour to make known to his Excellency that he will not fail to lay an account of that occurrence before Her Majesty's Government by the mail of the 30th instant.

The Undersigned, &c.

(Signed) W. G. LETTSOM.

No. 29.

Mr. Lettsom to Earl Russell.—(Received December 3.)

My Lord,

Monte Video, October 29, 1864.

IN my despatch of yesterday's date,* I had the honour of forwarding to your Lordship translation of a note addressed to Dr. Antonio de las Carreras by Signor Barbolani, in the name of the Diplomatic body, on the subject of the vessels fitting out at Buenos Ayres under the Oriental flag, but at the expense of the Brazilian Government, and which are to be employed in the capture of coasting vessels sailing under the flag of this Republic in the River Plate and in the interior rivers.

I now have the honour to forward to your Lordship copy and translation of the answer of Dr. Antonio de las Carreras to Signor Barbolani's note above referred to.

I have, &c.
(Signed) W. G. LETTSOM.

* No. 26.

Inclosure in No. 29.

Señor de las Carreras to Signor Barbolani.

(Translation.)

Monte Video, October 28, 1864.

M. le Ministre,

I HAVE rendered myself acquainted with satisfaction with the note that your Excellency has done me the honour to address to me this day in the name of the Diplomatic Body, whereby your Excellency replies to the one of this Department of yesterday's date, relative to the probable attack of the city of La Colonia by the forces of Don Venancio Flores in combination with the Brazilian squadron.

With respect to the first part of the said answer, I have no observations to make to your Excellency, since the Government trusts that Messieurs the members of the Diplomatic Body, watching with anxious care over the security of their subjects and of their interests, which are threatened by the unjust acts of war which Brazil is carrying out, will not permit that those acts shall be carried into effect in those centres of population in which there are found the greatest number and the richest portion of their interests.

Relatively to the general security of commerce and of the river navigation, the Government receives with satisfaction the offer contained in the note to which I am replying, and that the effects which are desired may arise therefrom, I have received orders to state to your Excellency that the Republic not having, at present, any vessel armed for war, all those that may be seen thus in the waters of the River Plate, as well as in the rivers of the interior carrying the war flag of the nation, are considered by the Government as piratical vessels, and as subject in consequence to the penalties established by public international law with respect to them.

In consequence, should the case arise that any of the vessels of the foreign naval stations should have to enter into the interior rivers of the Republic, or into its ports, to capture any of those vessels, the Government will not look upon this proceeding except as one that is very legitimate and necessary for the security of commerce, and for the freedom of river navigation; the Government not possessing, as it does not possess them at present, the means of making such capture effective.

Having thus complied with the order of his Excellency the President of the Republic, it is grateful to me to renew to the Chevalier Barbolani, &c.

(Signed)

ANTONIO DE LAS CARRERAS.

No. 30.

*Mr. Lettsom to Earl Russell.—(Received December 3.)**Monte Video, October 29, 1864.*

My Lord,

I HAVE the honour to transmit to your Lordship herewith translation of a communication which I received this evening from Baron de Tamandaré, Commander-in-chief of the Brazilian naval forces in the River Plate, notifying to me the blockade of the ports of Paisandú and Salto, in this Republic.

I have, &c.

(Signed)

W. G. LETTSOM.

Inclosure in No. 30.

Vice-Admiral de Tamandaré to Mr. Lettsom.

(Translation.)

Buenos Ayres, October 26, 1864.

M. le Ministre,

THE Government of His Majesty the Emperor of Brazil, my august Sovereign, in the desire to avoid every prejudice to commerce and to the property of neutrals in the Oriental Republic, compatible with the indispensable exercise of the measures absolutely required to oblige the Government of Monte Video to attend to the just exigencies addressed to it, to guarantee the rights of its subjects, and to obtain the reparation due for the most unjustifiable acts of violence against their property, honour, and lives, ordered the Under-signed to limit the exercise of those measures to what is strictly necessary to oblige that Government to respect those rights and to give competent reparation.

It was in the exercise of that order of the Government of my august Sovereign that I

had the honour to address myself to your Excellency on the 11th instant, making known to your Excellency what I was disposed to carry out.

The answer which I received from your Excellency lays open to me that the noble desires and sound intentions of my Government have not been either understood or appreciated, and that it is attempted to place it in the disagreeable position of not being able to reduce to the closest limits the inconveniences that neutrals have to suffer in this unexpected emergency.

Forced to do what your Excellency thinks necessary, and to avoid all discussion, that I do not hold to be opportune here, I find myself in the case of notifying to your Excellency that I am going to order the blockade of the ports of the Oriental Republic of the Uruguay, Salto and Paysandú, upon which, as I already informed your Excellency in my circular above mentioned, I have to operate in support of the Imperial army.

This blockade will be rigorously observed as long as there exist the motives which determined the Brazilian Government to take the attitude in which it finds itself from the denial of justice to its claims, and, in consequence, the naval forces under my orders will not permit that any vessel shall enter those ports, notifying to those that may present themselves the existence and the efficacy of the blockade, and those that may attempt to violate it being subject to what the principles of the law of nations establish.

To those that are at present in the said ports free exit will be allowed up till the 15th of next November.

I avail, &c.
(Signed) BARON DE TAMANDARE.

No. 31.

Mr. Lettsom to Mr. Hammond.—(Received December 3.)

Sir,

Monte Video, October 30, 1864.

JUST as the mail is starting I receive from Dr. de las Carreras the accompanying printed documents about Brazil.

I am, &c.
(Signed) W. G. LETTSOM.

Inclosure in No. 31.

Documents Historiques et Officiels qui démontrent quelle est la véritable cause des Différends entre le Brésil et la République Orientale de l'Uruguay.

I.

L'ETAT fort grave des relations de la République Orientale avec l'Empire du Brésil après la mission du Conseiller Saraiva, la guerre même, pourrions-nous dire, que l'on sent prête à éclater entre les deux Etats, peut donner motif à de fausses appréciations sur l'origine de cette déplorable situation. Les uns l'attribuent au caractère des Orientaux, qui les prédispose à l'anarchie, dans laquelle on les a vu plongés; d'autres à la différence des systèmes politiques qui régissent les deux pays; et d'autres, enfin, plus animés de l'esprit de parti, voient l'explication de la situation présente dans les motifs apparents plutôt que réels, sur lesquels s'est appuyé le Conseiller Saraiva.

Quant à nous, nous nous séparons d'une vulgaire argumentation, et prenant notre point de départ dans l'histoire et dans les documents officiels, nous croyons reconnaître la cause véritable non seulement des faits actuels, mais encore de ceux qui les ont précédé, dans l'origine et la manière d'être de la population Riograndaise.

Il paraîtra incroyable, et cependant rien n'est plus vrai, que le différend d'aujourd'hui n'est point né d'hier, ni même d'une douzaine d'années auparavant; il remonte à plus de deux siècles, de l'époque même des premières Colonies.

Les invasions des habitants de Rio Grande à la République Orientale de l'Uruguay, dont parlent les documents que nous reproduirons plus loin, présentèrent le même caractère et eurent le même but de celles qui se réalisèrent postérieurement, et de celles qui, aujourd'hui, ont pour chef le Général Venancio Flores.

Ces documents prouvent—

1. Que les prétentions actuelles du Brésil sur la République Orientale n'ont point dégénéré de celles que soutenait le Portugal sur la Bande Orientale.

2. Que les querelles entre les deux pays ne proviennent point de la différence de leur système respectif de Gouvernement.

3. Que ces querelles ont leur seule cause, que l'on pourrait appeler chronique et organique, dans la population de Rio Grande.

Les documents parlent si clairement à ce sujet qu'il nous est inutile de rien ajouter à l'éloquence de leur démonstration. Ainsi, nous commencerons par citer quelques passages d'une note de notre Ministre des Affaires Etrangères, qui traite de ces expéditions, dont le pillage est le but, et qui s'appellent "Californias," et nous verrons ces assertions se confirmer d'une manière éclatante par l'histoire et par les documents de source même Brésilienne.

Voici ces lignes.

II.

"La République suivait paisiblement une voie de progrès et de travail. La paix et une administration supérieure, animée du désir de faire le bien du pays, d'idées de reconstruction administrative et d'améliorations sociales, étendaient sans obstacles sérieux leur salutaire influence, et avec une rapidité que les longues et dures infortunes par lesquelles ce pays a passé ne permettaient pas d'espérer, gagnaient chaque jour plus de terrain sur les mauvais éléments internes qui devenaient incompatibles avec la légitime aspiration du pays. La richesse augmentait et avec elle l'élévation du pays; l'étranger affluait s'animant de l'espérance de bien-être et de prospérité; les habitudes de travail renaissaient; l'administration, secondant le vœu des populations fatiguées de désordres et d'agitations perpétuels, requérait pour sa tâche civilisatrice des bras jusqu'alors perdus pour l'industrie, à cause des luttes stériles où ils se débilitaient. Le Gouvernement inaugurait une politique inoffensive, amicale, vraiment nationale à l'extérieur, de conciliation et d'oubli pour les erreurs passées à l'intérieur, se proposant de lui donner tout l'élargissement possible à mesure que son œuvre de pacification eût été couronnée de succès.

"Telle était la situation quand le caudillo Don Venancio Flores, parti de Buenos Ayres, est venu fouler le sol de la République avec ses abominables intentions, et s'est mis à la recherche de la co-opération préparée au lieu convergeant des frontières de la République avec l'Empire et la Confédération Argentine.

"Canavarro et Cáceres l'attendaient là avec leurs contingents tout prêts.

"Prêts, et pourquoi ?

"Pour ce que ces gens appellent les 'Californies' sur l'Etat Oriental; locution qui, dans le sens qu'on lui donne, est indigène du Brésil, circonstance sur laquelle le Soussigné se permet d'appeler l'attention de votre Excellence.

"Ce mot de 'Californie,' appliqué aux excursions dans l'Etat Oriental, est des plus significatifs; il dit tout. Il confirme par son origine, et par son application Brésilienne, l'affirmation fait plus haut par le Soussigné, et révèle, par son laconisme et sa vulgarité, le motif qui a entraîné dans les files de Flores le contingent Brésilien sur lequel a compté et compte encore ce caudillo pour continuer la guerre.

"C'est là l'excitant, la cause déterminante qui a groupé autour du caudillo ce contingent indiscipliné de Brésiliens et de Correntinois que nous avons décrit.

"Un seul mot, le Soussigné le répète, sorti des parages qu'habitent les bandits de la frontière, le dit tout et révèle le secret que son Excellence a vainement cherché dans des vexations, les unes supposées, les autres punies, et dans des abus de l'autorité subalterne de ce pays.

"Bien au fait, par son expérience antérieure et même par une certaine analogie d'origine, des instincts qui dominent cette population nomade des frontières de ce pays avec l'Empire et la République voisine, Don Venancio Flores a opportunément lancé le mot magique, comptant sur son pouvoir irrésistible; et avec des éléments nationaux insuffisants pour commettre un crime que la nation anathématisait, il l'a fait retentir d'une extrémité à l'autre de la frontière: les vandales se sont mis sur pied et ont attendu avidement le chef qui les conviait à une nouvelle Californie dans l'Etat Oriental.

"L'aiguillon était puissant, si l'on considère ce que ce mot 'Californie' signifie.

"Par Californie, depuis Jacuhy jusqu'à ce jour, on entend, sur les frontières, faire irruption dans l'Etat Oriental, dans le but de s'enrichir à peu de frais, en pillant la propriété particulière sans défense, fût-elle même Brésilienne ou de toute autre nationalité.

"Ainsi pensent et ainsi agissent ces masses incultes de nos frontières—Tartares ou Bédouins de ces régions—contrebandiers et malfaiteurs qu'on trouve dans toutes les parties du globe et qui peuvent être assimilés à ces races habitant les déserts et les confins des pays qui ne sont pas encore suffisamment protégés par la civilisation.

"La Californie Orientale se compose, pour ces gens, des richesses de la population honnête et laborieuse;—et c'est pour cela que, dès que ce mot est une fois prononcé, la

terreur s'empare de cette population—l'épouvante surgit au milieu de propriétaires qui, pour sauver le fruit de leur travail, leur vie et l'honneur de leur famille, tendent aussitôt les bras vers l'autorité en implorant défense et protection.

“C'est cette terreur qui s'empare de la population laborieuse et pacifique des frontières à l'annonce d'une de ces irruptions de barbares, qui a dicté, M. le Ministre, à quelques propriétaires Brésiliens (Franco, Vica frères) ces lettres, que son Excellence connaît sans doute, adressées à l'autorité du pays où ils résident et à la Légation Brésilienne à Montévidéo, implorant que l'une et l'autre de ces autorités combinassent les moyens de protéger les intérêts légitimes menacés.

“La menace d'une nouvelle Californie dans l'Etat Oriental a fait que ces propriétaires Brésiliens domiciliés dans la République, sachant par une douloureuse expérience antérieure ce qu'elle signifiait, aient dénoncé longtemps d'avance l'attentat qu'on méditait.

“Le 25 et le 27 Mars, lors que le caudillo qui devait se mettre à la tête des éléments qui s'organisaient et s'armaient dans la partie Brésilienne de la frontière était encore à Buenos Ayres, ces propriétaires Brésiliens se dirigeaient de la manière suivant à l'autorité Orientale :—

“Je prends la liberté de m'adresser à votre Excellence pour la prier de faire parvenir l'incluse à son Excellence M. le Ministre du Brésil à Montévidéo, avec toute la diligence possible, car cela convient aux intérêts de cet Etat et de l'Empire du Brésil.

“J'ai l'honneur de porter à la connaissance de votre Excellence que je viens de recevoir des nouvelles positives annonçant que quelques Brésiliens et des Orientaux se réunissent à Ibicuhy pour livrer un assaut dans cet Etat, pour se réunir, disent-ils, au Général Flores ; ce dont je doute ; mais nous devons supposer que ce sera pour voler le bétail. Le 23 du courant j'ai envoyé une estafette au Général Canavarro, pour lui faire part de ces faits, et lui demander de prendre des mesures sérieuses pour éviter ce mal entre le Brésil et cet Etat.

(Signé)

“FRANCISCO MODESTO FRANCO.”

“Je vous adresse la présente pour vous faire part des nouvelles qui m'arrivent de la frontière du Brésil. Par la lettre ci-jointe vous verrez ce que l'on me dit, devant vous avertir que c'est la seconde. Comme vous me dites de ne point manquer de vous donner des nouvelles, et que le bruit court, suivant la dite lettre, qu'on se propose aujourd'hui de venir voler dans cet état, j'ai fait pour cela partir un exprès. Je vous demande quelque réserve par cette lettre que je vous remets afin que vous vous en instruisiez. Pour ma part je vous demande, vu ces nouvelles, de prendre le plutôt possible quelques mesures ; je ne manquerai pas de vous communiquer celles qui viendront à ma connaissance. Aujourd'hui même je fais partir un exprès pour observer ce qui passe sur cette frontière. C'est tout ce qu'a à vous dire votre compère et ami,

(Signé)

“MANUEL VICA.”

“J'ai reçu votre très estimable lettre du 22 courant, et j'y réponds, vous confirmant tout ce que je vous disais dans ma première. Je vous assure que le Samedi où est parti d'ici “l'Eleutherio” pour votre endroit, à la nuit, j'ai su par un individu qui avait été engagé et qui s'est refusé—lequel a passé la nuit chez moi—que l'individu qui engageait était déjà parti, avec cinq ou six hommes bien armés, dans cette direction, certainement pour se réunir à quelqu'autre groupe qui l'attendait de ce côté. J'ai su de plus, non seulement par cet individu sinon beaucoup d'autres qui avaient été engagés et qui se refusèrent, que, en les engageant, on disait aux uns que c'était pour former un troupeau de bétail qu'il envoyait dans sa ferme de l'Azotea ; à d'autres que c'était pour former des troupeaux dans l'endroit, à d'autres on disait que c'était pour une Californie comme la dernière ; enfin à d'autres encore, que c'était pour se réunir à Flores qui était attendu tous les jours : ce dernier bruit est celui qui courait le plus, et dans ce moment même j'apprends que celui qui engageait disait hautement à tous que c'était pour se réunir à Flores. Lors même que cela serait réellement le but de la réunion, il est vraisemblable qu'à la première tentative, qui, à ce que l'on dit, commencera par ici, l'enrôleur les engagera à profiter de la confusion pour enlever notre bétail. Par conséquent, je vous prie, comme votre ami, de vous considérer prévenu. Je ne puis vous dire le jour de l'attaque, car aucun des individus avec qui j'ai parlé n'a pu me le dire. Le premier bruit qui a couru c'est que l'attaque devait être donnée le 10 du mois prochain ; je ne puis cependant pas vous l'assurer. Ce qui est certain c'est qu'ils sont déjà du côté de Quariem, et vu la manière dont on engageait, ils vont faire quelque chose ; avec la protection de qui, je ne le sais.

(Signé)

“O. PAULO VICCA.”

“Ces avis appelèrent sérieusement l'attention du Gouvernement de la République ; ils

lui firent prendre en temps opportune des mesures pour rendre effective dans le territoire Oriental la protection du Brésil, à seconder son action sur le territoire Brésilien, point de réunion et de recrutement de ceux qui préparaient l'expédition.

"Le Gouvernement Oriental ne fut pas écouté, on considéra ses craintes comme des scrupules sans fondement, et les propriétaires Brésiliens qu'on menaçait ont eu la douleur de ne pas se voir écoutés par les autorités de leur pays, et de voir que dans l'esprit de ces dernières les assurances données par le caudillo militaire, complice de l'invasion, méritaient un plus grand crédit.

"Tout en réservant pour une autre occasion d'élever les plaintes et les réclamations du Gouvernement de la République pour ce qui s'est passé sur les frontières au sujet de l'invasion qui dévaste le territoire Oriental et ruine les propriétés qui y existent, le Soussigné croit que ce qu'il vient de manifester suffit pour démontrer que l'invasion de Don Venancio Flores, comme celles plus ou moins graves qui l'ont précédé, a été soutenue par un puissant contingent Brésilien, sorti des deux côtés des frontières, et choisi parmi cette population nomade et demi-sauvage qui, en tout temps et sous tout chef audacieux, est disposée au vol et au pillage; cela suffit pour démontrer qu'il n'est pas exact que la population Brésilienne laborieuse et pacifique, celle qui a des intérêts légitimes, ait formé ce contingent pour une guerre qui la ruine, et dont elle est intéressée, comme tous, à voir précipiter le terme.

"Le Soussigné est persuadé que l'explication qu'il a donnée du naturel des auxiliaires de Flores est celle qui honore la population Brésilienne domiciliée dans le pays, est celle qui doit servir aux deux Gouvernements Oriental et Brésilien pour étudier et discuter les moyens d'empêcher que les faits que nous déplorons viennent à se renouveler; ce en quoi le Brésil à son intérêt ainsi que l'a, à un plus haut degré, la République."

III.

Nous donnons, à continuation, les documents qui viennent à l'appui des démonstrations antérieures, sur la répétition des "Californias" sur l'Etat Oriental.

Article VI. "Afin d'éliminer complètement toute cause de motif de mécontentement entre ces deux Couronnes, son Altesse fera informer sur les excès qui ont été commis par les habitants de San Pablo sur les territoires et domaines limitrophes de Sa Majesté, et les chatiera sévèrement, faisant rendre et mettre en liberté les Indiens, troupeaux, mules et toute autre chose dont ils se furent emparés, et empêchera qu'à l'avenir s'exécutent de semblables faits d'hostilité, susceptibles de porter atteinte à la bonne harmonie et amitié entre ces deux royaumes, comme il est dit dans l'Article précédent.

(Signé)

"LE DUC DE YOVENASA.

"LE MARQUIS DE FRONTEIRA.

"LE DUC DE CADAVAL.

"L'ÉVÊQUE FR. MANUEL PEREIRA, *Secrétaire d'Etat.*"

Cet Article est tiré du Traité entre Espagne et Portugal, du 7 Mai, 1681. (Calvo, tome i, p. 186, "Collect. de Traités.")

IV.

Autre Document Historique sur le même sujet.

Je ne m'arrêterai pas à prouver à votre Excellence, comme je pourrais le faire, que les Espagnols Vicente Janez Pinson et Diego de Lopez ont été les premiers qui découvrirent le Brésil et que ce furent aussi des Espagnols qui découvrirent, par terre, le Fleuve des Amazones ou Maranhon, prenant les uns et les autres possession formelle de tous ces pays au nom des Rois de Castille, avant que le Portugais Pedro Alvarez Cabral abordât les côtes du Brésil, où il fut jeté par une tempête; moins encore occuperai-je l'attention de votre Excellence par la démonstration de la manière dont les Portugais s'introduisirent dans le Maranhão en l'usurpant sur son légitime possesseur: seulement, pour complaire à votre Excellence, je m'occuperai de ce qui est relatif au fleuve du Rio de la Plata, sans qu'il me soit permis de passer sous silence que les territoires de l'une et l'autre rive étaient déjà découverts par des Espagnols, et soumis à la domination de cette Couronne, à qui ils appartenaient à tant de titres avant même qu'il y eut des habitants dans la ville de San Pablo, ni même qu'exista alors cette colonie Portugaise. Celle-ci s'établit à douze lieux de San Vicente, à l'intérieur, et ses premiers colons furent des mauvais sujets qu'on envoya de Portugal au Brésil, venant ensuite à augmenter leur nombre, non seulement les pirates Hollandais qui avaient conquis une partie des Provinces du Brésil, mais encore les bandits des autres nations qui, fuyant la rigueur des lois et appelés par l'attrait de

l'indépendance, vinrent, comme à un centre et asile commun des malfaiteurs, en cette République, dont la Constitution avait pour base unique et commode l'impunité et le libre exercice du vol et des atrocités de toute espèce. Les Paulistas prirent les Indiennes pour femmes ; et un certain goût naturel à courir les aventures hasardeuses et criminelles, né de la dureté de cœur et de la corruption des mœurs, les porta à entreprendre dans les bois des excursions de pillage, qu'ils appelèrent "maloca," dans le but de captiver des Indiens pour les employer à la culture des terres d'autrui qu'ils s'approprièrent et pour trafiquer en chair humaine en les vendant comme esclaves aux colons Brésiliens. C'est ainsi qu'après avoir dépeuplé les régions voisines ils tombèrent sur les Indiens des Provinces de Guayrá, déjà civilisés et soumis au Christianisme sous la domination de l'Espagne, et les forcèrent par leur cruauté à fuir dans des parages lointains, où ils fussent à l'abri des "Malévolos," nom sous lequel on désignait généralement les "Paulistes."

Ceux-ci ne reconnurent ni frein ni aucun pouvoir, jusqu'à ce que, à la fin du siècle passé et au commencement du siècle présent, la Couronne de Portugal les prit sous sa protection, les adopta comme sujets et leur nomma des gouverneurs pour les commander.

En expliquant ce qu'étaient les premiers habitants de San Pablo, je prouverai à votre Excellence que ce furent des Espagnols qui les premiers découvrirent le Rio de la Plata.

* * * * *

Ces pays dont je parle et dont je réclame la possession, sont un témoignage des attentats énormes des colons de San Pablo, qui ont mis au pillage et ont usurpé les domaines de Sa Majesté comme si ils eussent appartenu à un prince ennemi ; et ceci d'autres faits le prouvent, car, de l'année 1720 à l'année 1740 vingt-deux villages d'Indiens Guarani, dont treize étaient situés sur le Salto du Paraná entre les rivières Amaby et Parapanané et les neuf autres plus au sud, près des sources de l'Igay, furent détruites et dévastées par les mamelouks. Dans le même laps de temps l'ancienne Villa Rica fut mise en ruines avec les autres villes Guayra y Gerés, et, sans cependant m'arrêter à faire une relation détaillée des moyens qu'ils mirent en pratique pour s'emparer, au commencement du siècle présent, du grand espace de territoire situé depuis la Villa de Curitiba jusqu'aux sources du Rio Grande de San Pedro, s'appropriant plus de 80,000 vaches que les Guaranis faisaient paître eux-mêmes, pour l'approvisionnement de leurs villages.

* * * * *

Mais quand elle paraissait être arrivée à son apogée, ils résolurent de la provoquer par de nouveaux excès, par des usurpations plus récentes, et même par des hostilités formelles, mises plus tard en pratique, contre les territoires et troupes du Roi. Le Gouverneur actuel de Buenos Ayres, Don José de Veztiz, eut connaissance de l'occupation que les Portugais venaient de faire, sur les domaines de Sa Majesté, de divers établissements, et de postes militaires dans la montagne des Tapes et dans la partie méridionale des rivières Grandes et Yacuy, protégeant les vols fréquents du bétail des espèces bovine et chevaline appartenant à des sujets Espagnols.

En vue de ces nouvelles il se détermina à aller visiter et reconnaître par lui-même l'état de cette partie des provinces dépendantes de son Gouvernement dans le but de se rendre compte de l'état des choses, pour en demander compte aux usurpateurs et empêcher la continuation des dommages déjà mentionnés. Il se transporta de Buenos Ayres à Montévidéo, et de là entreprit son voyage le 7 Novembre de l'an 1773, sans avoir trouvé d'opposition jusqu'au 5 Janvier, 1774, où, en arrivant à la Rivière Piquiri, il trouva que le seul passage qui existe avait été pris et fortifié par des troupes Portugaises qui se présentaient sous un aspect hostile, avec la résolution de défendre le passage dans la position avantageuse qu'elles occupaient. (Mémoire du Marquis de Grimaldi 1776. Collect. des Traités. tome iii, page 2.)

V.

Comme on le voit, ce sont des documents publics et authentiques qui mettent en évidence l'origine véritable et traditionnelle des perturbations que depuis des temps si éloignés souffre ce malheureux pays.

L'autorité de ces documents ne peut être niée par l'Empire du Brésil.

C'est l'histoire qui parle.

C'est elle qui accuse à grands cris la politique pleine de déloyauté et d'ambition qui, se couvrant du masque de la civilisation, a employé pour atteindre son but, dans le siècle où nous vivons, l'élément barbare et sanguinaire des frontières, qui ne pouvait lui servir que pour œuvre de guerre et de destruction.

En 1681 cet élément était formé des "malévolos ;" en 1864, c'est toujours la lie de la population, dans la province voisine, qui le compose.

C'est ainsi que s'explique l'invasion qui depuis dix-huit mois détruit la fortune générale et privée, et qui menace de tarir pour l'avenir les sources de la richesse publique.

C'est de cette manière que les hommes impartiaux et honnêtes, quel que soit leur opinion politique, étrangers ou nationaux, s'expliquent comment, alors que la République était en pleine paix, des hordes de bandits et de criminels Brésiliens ont pu dans un moment funeste envahir son territoire, aidés de la connivance des autorités de frontières et même dirigés par des officiers en service dans l'armée Impériale, et poussés par l'attrait du vol et l'ambition inassouvie d'augmenter leurs domaines.

Et aujourd'hui, il reste hors de doute pour tous que ces malfaiteurs ont marqué leur passage dans nos campagnes par l'usurpation des terres de l'Etat, par le pillage et le vol des propriétés particulières, par l'imposition de contributions, par l'assassinat des habitants les plus inoffensifs, par le rapt des enfants et hommes de couleur qu'ils allaient vendre comme esclaves sur le territoire Brésilien.

Peu après, quand les armes du Gouvernement étaient à la veille de châtier, comme ils méritaient de l'être, ces énormes attentats, le Gouvernement Impérial perdant sans doute tout espoir de voir réussir l'entreprise, envoie une mission et ses escadres pour présenter et appuyer d'un appareil guerrier, et au milieu du fracas de la guerre, ses récriminations rétrospectives qui comprennent un période de douze ans, quelques unes d'entre elles non justifiées et les autres démenties par ses nationaux mêmes, en faveur desquels on réclamait.

Mais pourquoi parler de faits qui se trouvent déjà dans le domaine public ? Il suffit de dire que, au grand scandale de la population étrangère résidant en ce pays, l'escadre Brésilienne a exercé, sous le nom de représailles, de véritables actes de guerre que condamne le droit des gens, et cela malgré les déclarations solennelles du Gouvernement Oriental de rendre justice à toute réclamation légitime, et malgré l'offre qu'il faisait d'une manière officielle de soumettre les différends en question à l'arbitrage de n'importe laquelle des Puissances Européennes que désignerait le Brésil.

En présence de tous, et spécialement du Corps Diplomatique étranger, on a vu les navires de guerre de l'Empire prêter secours à la rébellion, porter les troupes qui en dépendent d'un point à l'autre de nos côtes ; et lui fournissant un matériel de guerre, elle a de toute manière rendu plus difficiles les opérations militaires que le Gouvernement dirigeait pour étouffer l'anarchie.

De tels actes équivalent à une alliance de fait entre l'Empire du Brésil, qui aspire à prendre rang parmi les nations civilisées, et le guerrillero stupide qui a organisé des hordes de bandits pour une œuvre de vol et de destruction.

Une telle alliance, *de facto*, avec le chef amnistié Venancio Flores, avec le directeur de la rébellion, avec le caudillo errant qui après dix-huit mois n'a pu dominer d'autre territoire que celui sur lequel lui et les siens se trouvent accidentellement, qui, jusqu'à ce jour, n'a pu donner à la révolution une forme quelconque de Gouvernement, et qui, par cela même, irresponsable et placé en dehors des règles du droit de guerre, est impuissant pour le bien, même quand il voudrait le faire.

No. 32.

Mr. Thornton to Earl Russell.—(Received December 3.)

My Lord,

Buenos Ayres, October 29, 1864.

I HAVE the honour to transmit herewith for your Lordship's information translation of a letter addressed by the Brazilian Admiral on this station to M. Leal, relative to the object of the circular addressed by him on the 11th instant to the Diplomatic Agents at Monte Video, and inclosing copy of another letter addressed to them on the 26th instant, announcing the blockade of the ports of Salto and Paysandu on the River Uruguay by the Brazilian naval forces. The Admiral's letter was communicated to me by my Brazilian colleague M. Leal. His letter of the 26th instant to the Diplomatic Agents at Monte Video will no doubt have been forwarded to your Lordship by Mr. Lettsom.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure in No. 32.

Vice-Admiral de Tamandaré to M. Leal.

(Translation.)

Excellent Sir,

On board the "Nitheroy," Buenos Ayres, October 26, 1864.

YOUR Excellency is aware that when I addressed the circular of the 11th instant to the foreign Diplomatic Agents residing in Monte Video, requesting that they would prevent merchant-vessels sailing under their respective flags from carrying troops or munitions of war for the ports of the Oriental State north of the Rio Negro, I had in view the obtaining the knowledge whether those Agents agreed with me that reprisals would produce the desired end which I had proposed without recurring to a declaration of blockade, the exercise of which, however temperate and equitable it may be, becomes vexatious for neutrals, and much more alarming to commerce than the simple recommendation of the Foreign Agents to their subjects, as that would have satisfied me completely, being certain that it would not be eluded. After due thought I gave to that circular a confidential character, to enable the enlightened Diplomatic Agents an opportunity of making, in the same form, any observation that they should wish to make upon a subject which had in view the diminishing of the obstacles which would arise to their subjects by a vigorous blockade. They were not invited to co-operate in the coercive measures which the Government of Brazil in its perfect right had resolved upon undertaking against the Oriental Government, but pointing out to them a means of avoiding greater evils to their subjects. Contrary to my expectations, and in opposition to the usual practice, I saw published in the journals of Monte Video that very confidential circular, together with a reply from each of the Diplomatic Agents, before its coming into my hands, and, what was still stranger, that the intentions of the Government of Brazil were neither comprehended nor appreciated, a spirit of moderation in which the general interests were realized. When I declared that in view of such a proceeding I considered it my imperative duty to search every vessel that navigated the River Uruguay and seize all contraband of war that they may be carrying, and I clearly said that in case of opposition the Government of Brazil would place itself in the position which the laws of nations give it, and your Excellency well knows that I was awaiting that reply in order to decide upon what measure to adopt, I gave it clearly to be understood in the latter part that I had no desire whatever to interrupt the free navigation of the rivers, nor create difficulties, as much for their benefit as in the fulfilment of my duty. In view of this opposition it is my duty to reinforce the points which we intended holding as reprisals, and have obliged me to adopt the resolution of ordering the blockade of the ports of Salto and Paysandu by the naval forces under my command, which will be stationed there and make an effective blockade. I have the honour to inclose to your Excellency a copy of a circular that with this date I have sent to the said Diplomatic Agents resident in Monte Video, notifying them that the blockade is about taking place in the said ports, or as far as can be practicable in agreement with the principles which rule in such an affair, or that were sanctioned by the Congress of Paris, or in agreement with the precedents given by France and England in the River Plate. I trust that your Excellency will bring this note to the knowledge of the Argentine Government, as likewise to your colleagues accredited to the same Government.

I avail, &c.

(Signed)

BARON TAMANDARE.

No. 33.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 7.)

Sir,

Admiralty, December 5, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral the Honourable Charles Elliot, dated the 28th October, relating to the state of affairs in the Oriental Republic of Uruguay, and the arrangements made for the landing, if necessary, of armed parties from the ships at Monte Video for the protection of the several foreign Legations, and the Banks and Custom-house in that city.

I am, &c.

(Signed)

C. PAGET.

Inclosure in No. 33.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Bombay," at Monte Video, October 28, 1864.

ON my arrival in the river I found the revolutionary party under Flores had made apparent progress, the whole of the Republic of the Uruguay being in an unsettled state, trade paralyzed, and a general suspension of business in Monte Video.

2. In the beginning of the month it was reported that Flores was marching to attack Monte Video; that he was accompanied by a body of Argentine filibusters; and that he would be assisted by the Brazilians.

3. This report created great alarm here; and the Government fearing disturbances in the town (especially from the Italian population, which is very large), should an attack take place from without, communicated with Mr. Lettsom and his colleagues, requesting that forces from the foreign ships of war might under certain contingencies be landed. This communication to the Diplomatic Body was made by the Minister for Foreign Affairs on the 14th. He stated that it had come to the knowledge of his Government that preparations for an attack upon Monte Video, to take place on the 17th, were being made at Buenos Ayres, to act in conjunction with the forces under Flores.

4. These preparations he attributed to Argentine and Brazilian assistance, and it was believed that the navy of the latter Power would support by sea the attack of Flores by land.

5. No such attack has taken place; but on the 18th Flores appeared on the high ground near the town, with his forces drawn up as if in preparation for an attack, with artillery in advance. A few round shot were fired into the town that night, but no further demonstration took place, and on my arrival at Monte Video on the 22nd instant he had already retired. He is now said to be moving towards the northern frontier of the Republic.

6. The reply of the Diplomatic Body to the Minister for Foreign Affairs was to the effect that, as on former occasions, the Commanders of the different naval forces should be invited to afford contingents for the safety of the Banks and other public establishments, on notice being received from the Government of the Republic that the danger of internal commotion is imminent; but that with respect to internal security being impaired, the Diplomatic Body must confine itself to the reserve of adopting, upon the fact occurring, the resolutions which the interests of their countrymen may dictate.

7. On the 17th, Captain Crofton, of Her Majesty's ship "Satellite," accompanied Mr. Lettsom to a conference with his colleagues; and it was there decided that, in conjunction with the Italian, Spanish, and French Commanders, he should make arrangements for the landing and distribution of armed parties.

8. I had previously instructed Captain Crofton that he might enter into such an arrangement in the event of his receiving a requisition to that effect from Her Majesty's Chargé d'Affaires, if he coincided with him in thinking such a step desirable.

9. Arrangements were accordingly made to land parties for the protection of the Legations, the Banks, and the Custom-house, but no disturbances have taken place to render it necessary to resort to this course.

I have, &c.
(Signed) CHAS. ELLIOT.

No. 34.

Earl Russell to Mr. Thornton.

Sir,

Foreign Office, December 7, 1864.

I HAVE to acquaint you that Her Majesty's Government entirely approve of the views of Señor Elizalde, as stated in your despatch of the 23rd September, with respect to the pacific policy which it is expedient for the Argentine Government to pursue during the existing difficulties between Monte Video, Paraguay, and Brazil.

I am, &c.
(Signed) RUSSELL.

Mr. Layard to the Secretary to the Admiralty.

Sir,

Foreign Office, December 12, 1864.

I AM directed by Earl Russell to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the inclosed despatches from Her Majesty's Chargé d'Affaires at Monte Video,* containing correspondence regarding applications made to the Diplomatic Body at Monte Video by the Government of that Republic, with a view to obtain concurrence and support in certain contingencies arising out of the present hostilities between Monte Video and Brazil; and I am to request that in laying these papers before the Board you will suggest to their Lordships that the naval authorities on the spot should receive full instructions for the protection of the persons and property of British subjects in the River Plate.

I am, &c.
(Signed) A. H. LAYARD.

No. 36.

Mr. Lettsom to Earl Russell.—(Received December 22.)

(Extract.)

Monte Video, November 7, 1864.

IN my despatch of the 29th October I had the honour of transmitting to your Lordship translation of a letter addressed to me on the 26th ultimo by Vice-Admiral Baron de Tamandaré, Commander-in-chief of the Brazilian naval forces in the River Plate, notifying to me the blockade of the two ports Paysandú and Salto in this country.

I have now the honour to forward to your Lordship a copy of my answer to the above-mentioned letter of the Brazilian Commander-in-chief.

I have likewise the honour to place in your Lordship's hands a copy of a letter that I have written to Captain Colin A. Campbell, who in the absence of Admiral Elliot (who is at present at Buenos Ayres) is the senior officer of Her Majesty's naval forces here, suggesting to him the propriety of his making the masters of British merchant-vessels in this port acquainted with the announced blockade of the ports spoken of.

Captain Campbell has informed me that as Admiral Elliot is to be back to-morrow, he will place my letter and its inclosures in the hands of the Commander-in-chief upon his return.

Inclosure 1 in No. 36.

Mr. Lettsom to Captain Campbell.

Sir,

Monte Video, November 5, 1864.

I HAVE the honour to transmit to you herewith a translation of a letter addressed to me on the 26th ultimo by the Vice-Admiral Baron de Tamandaré, Commander-in-chief of the Brazilian naval force in the River Plate, notifying to me that he is about to establish a blockade of the port of Paysandu and of the port of Salto, in this Republic.

You will observe that his Excellency does not state to me from what date the blockade is to commence, and I have not subsequently received from the Baron any details upon this point.

My impression, however, is that up till yesterday the blockade has not been established.

In this state of affairs you may perhaps be of opinion that it would be advisable that the masters of the merchant-vessels in the port should receive notice through you of this blockade, although it may not be in your power to tell them whether it has begun.

My French colleague has informed me that he has taken a similar step with respect to the Senior Officer of the French naval force here. I transmit to you for your information a copy of my answer to Baron de Tamandaré's letter.

I have, &c.
(Signed) W. G. LETTSOM.

* Nos. 21, 23, 24, 26, and 29.

Inclosure 2 in No. 36.

Mr. Lettsom to Vice-Admiral de Tamandaré.

M. le Baron,

Monte Video, November 4, 1864.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 26th ultimo, marked circular, informing me that as I do not understand or appreciate the noble desires and sound intentions of the Government of Brazil, as set forth in your Excellency's communication of the 11th October last, with respect to the searching and detaining of English vessels navigating these waters, the traffic of which vessels your Excellency announces to me in the last mentioned letter that it is the intention of your Excellency to interfere with, on the plea of their carrying contraband of war, your Excellency now finds it necessary to notify to me the blockade of the ports Paysandu and Salto, to effect which measure your Excellency is about to take steps.

In the case of Governments in Europe, or at other distant points, the pressing necessity for a blockade may render it requisite that such a measure should occasionally be had recourse to without a special reference to the distant Government concerned.

In the present instance, however, I cannot but lament that your Excellency should have resolved on taking the measure in question without referring the matter to the Imperial Government, a proceeding that would have entailed a delay of only a few days.

Had the Government of Rio de Janeiro been consulted upon the point, it may I think be assumed that, in the case of the measure being sanctioned, the notification thereof would have been duly published, that the time to be allowed for vessels to arrive from various ports, both near and distant, without being subject to the provisions of the blockade would have been specified, and that a period would have been probably announced from which the blockade is to commence.

Upon all these vital points British commerce is now, however, left absolutely in the dark.

All that I know is that on the 26th of last month your Excellency was about to issue orders for establishing the blockade spoken of, and that it was purposed to name up till the 15th of the present month for vessels now in the ports referred to to leave with their freights. But should this blockade have not yet commenced, it is clear that the 15th instant can no longer be held to be the period up to which the vessels in question may leave without molestation, for if twenty-one days were a necessary term to appoint on the 26th of October, with that view, twenty-one days appear to be a no less necessary term at the present date.

I regret that your Excellency should have stated in your letter of the 26th October that the noble desires and sound intentions of the Cabinet of Rio de Janeiro have not been understood and appreciated by me, because this statement forces me to confess that, not understanding those intentions, it is quite possible that I do not appreciate them properly.

What I saw in those intentions was a claim set up by Brazil, upon the shadowy plea of reprisals, to visit and perhaps detain British vessels while engaged in legitimate commerce, on the pretext of their carrying contraband of war, the indisputable fact being that no war exists. I observed, moreover, that your Excellency speaks of the fitness of neutrality being strictly maintained, when in truth those parties termed "neutrals" are but a fiction.

This being the light in which I view the question, his Excellency Baron de Tamandaré can hardly expect that I should have looked upon any interference with British commerce otherwise than as an act for which in my judgment Her Majesty's Government will hold the Brazilian Government responsible, as it will also, in my opinion, hold that Government answerable for any acts of violence and plunder that may be committed upon British subjects resident in this Republic, should they become sufferers (as other foreigners residing here have already been) from the conduct of the Brazilian forces now engaged in naval and military operations in this country, without a previous declaration of war.

I have, &c.

(Signed) W. G. LETTSOM.

No. 37.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 23.)

Sir,

Admiralty, December 21, 1864.

WITH reference to your letter of the 12th instant, inclosing despatches from Her Majesty's Chargé d'Affaires at Monte Video, relative to applications made to the Diplomatic Body at that city by the Government of the Republic of Uruguay for concurrence and support in certain contingencies arising out of the present hostilities between Monte Video and Brazil, and suggesting that the British naval authorities on the spot should receive full instructions for the protection of the persons and property of British subjects in the River Plate; I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of the instructions given to Rear-Admiral the Honourable Charles Elliot in this matter, and I am to request to be furnished with copies of any instructions that his Lordship may address to Mr. Lettsom in order that further directions in conformity therewith may be given to the Rear-Admiral.

I am, &c.

(Signed) W. G. ROMAINE,

Inclosure in No. 37.*The Secretary to the Admiralty to Rear-Admiral Elliot.*

Sir,

Admiralty, December 21, 1864.

WITH reference to your letter of the 28th October, reporting on the state of affairs in the Republic of Uruguay, and stating that after a conference between Mr. Lettsom, Her Majesty's Chargé d'Affaires at Monte Video, and his colleagues, arrangements had been made, in conjunction with the French, Italian, and Spanish naval officers, for landing armed parties for the protection of the Legations, the banks, and the Custom-house of the city, should disturbances render it necessary to resort to such a course; I am commanded by my Lords Commissioners of the Admiralty to acquaint you that Mr. Lettsom has transmitted to Earl Russell copies of the correspondence which had taken place, up to the 29th October, between the Government at Monte Video and the foreign Diplomatic Body in that city, and in which the Government ask for support in the event of an attack being made on Monte Video or Colonia by the Brazilian forces and the Revolutionary party under General Flores.

My Lords desire me to send, for your information and guidance, a copy of a letter from the Under-Secretary of State for Foreign Affairs dated the 12th instant, requesting that the British naval authorities on the spot should be instructed to protect the persons and property of British subjects in the River Plate.

You will, therefore, limit the interference of the forces under your command to the cases mentioned in your letter, unless a requisition should be made by Her Majesty's Representative for protection from internal commotion at the desire of the Government of the Republic, and unless you should yourself agree in the policy of affording such protection.

My Lords desire that you will give similar instructions to the senior officer who may be in command of Her Majesty's vessels at Monte Video in case of your absence.

I am, &c.

(Signed) W. G. ROMAINE.

No. 38.*Earl Russell to Mr. Lettsom.*

(Extract.)

Foreign Office, December 24, 1864.

I HAVE consulted the proper Law Adviser of the Crown on the question discussed in your despatch of the 21st of October, regarding the Brazilian circular as to the measures proposed to be taken in connection with the hostile operations between Brazil and Monte Video.

I have now to state to you that it was competent to the Brazilian Government, in order to obtain justice for wrongs inflicted upon its subjects, to have recourse to reprisals against the Republic of Uruguay: but it was not competent to the Brazilian Government

to stop, visit, or take any cargo whatever out of neutral vessels as a subsidiary means of accomplishing that end. This right of interfering with the commerce of the neutral is incident, and incident only, to a state of war; and you were so far right in the position which you assumed in your reply to Baron Tamandaré.

On the other hand, if the Brazilian Government had declared war with Monte Video, and at the same time notified their intention of not declaring a blockade, but of simply preventing neutrals from carrying contraband of war to the enemy, it would have been competent to that Government to have so limited the exercise of its own belligerent rights. This was the course which you will have observed Mr. Thornton supposed the Brazilian Government had actually taken; but reprisals in the usual limited sense, and war, are not the same: the former affects the party only against whom the reprisals are made; the latter affects a third party, the neutral, also. It was of course competent also for the Brazilian Government, in declaring war, to announce a blockade also in due form in the exercise of belligerent rights.

You will ascertain and report to me by the first opportunity whether Brazilian sea and land forces are exercising a right of reprisals without war, or are acting under orders to make war; and if making war, whether with or without a blockade; and if with a blockade, within what limits.

No. 39.

*Earl Russell to Mr. Lettsom.**

Sir,

Foreign Office, December 29, 1864.

WITH reference to your despatch of the 7th of November, I have to state to you that Her Majesty's Government will expect that in the circumstances of the Brazilian blockade in the Plate, no British vessel will be detained or captured which has not previously received full and due notice of the existence of the blockade; and also that British vessels in the ports about to be blockaded will be allowed a fair and reasonable time to depart with their cargoes.

I am, &c.
(Signed) RUSSELL.

No. 40.

Mr. Lettsom to Earl Russell.—(Received January 2, 1865.)

(Extract.)

Monte Video, November 28, 1864.

I HAVE the honour to place herewith in your Lordship's hands translation of a communication, marked Circular, addressed by Dr. Antonio de las Carreras to all the members of the Diplomatic Body here, making known to them that the Government is about to give orders to the Military Commander north of the Rio Negro to fire on the Brazilian gun-boats blockading the two towns Salto and Paysandú, in order to force them to retire beyond the range of his artillery.

On my calling to-day on Dr. de las Carreras, he told me that orders have been sent to the Commander, Colonel Leandro Gomez, to intimate to the Commanders of the Brazilian gun-boats to retire beyond the range of his guns.

Inclosure in No. 40.

Señor de las Carreras to Mr. Lettsom.

(Translation.)

M. le Chargé d'Affaires,

Monte Video, November 26, 1864.

THE Government of the Republic has just received communications from the Military Commandant of the north of the Rio Negro, in which he makes known that the ships of war of Brazil have approached the batteries of the port of Salto in order to close in the line of blockade at this point, and naturally they will have done the same at that of Paysandú.

The Military Commandant referred to was about to order that fire should be opened upon the Imperial gun-boats, thus fulfilling what he had previously notified to them, in

* A similar despatch was addressed to Mr. Thornton.

case they should place themselves within reach of the elements of war at his disposal, but the afflicting alarm which arose among the inhabitants, especially the foreigners, and the painful entreaties addressed to him that he should not open fire, obliged him to suspend his resolution until he was made aware of the opinion of the Government of the Republic on the subject.

Colonel Gomez, in thus postponing hostilities out of consideration for such great interests as were about to suffer in Salto, has earned the approval of the Government for his prudent proceeding and humane sentiments towards the foreign population; but Mr. Lettsom will understand that the first authority of the country, upon whom the greatest amount of responsibility would fall if it suffered impassively the outrage which the Brazilian squadron is inflicting on the Republic, cannot do less than make an effort to act with the energy and decision which the case requires, and order the Military Commandant of the North of the Rio Negro to act as he has notified to the Imperial squadron, and to fulfil to the last moment, happen what may, his duty as an Oriental and a soldier.

As soon as these orders reach Colonel Gomez he will undoubtedly open fire upon the Brazilian gun-boats in order to make them retire out of gun-shot range, and if they, as is to be expected, should reply, the injuries that are about to be occasioned in Salto and Paysandu to foreigners will be immense, and lives will perhaps be included in them. But the Government of the Republic from this moment declines all responsibility, assured that the honourable Diplomatic Body will cast it on those who treacherously and basely insult the Oriental people and attack it from the decks of their ships of war, with the sole object of bringing about the triumph of the invader Chieftain Venancio Flores.

Mr. Lettsom has most eloquent proofs of all the sacrifices the Government has made, and of all that it lent itself to concede in order to secure national and foreign interests from the fatal evils of the war, and therefore Mr. Lettsom will not fail to recognize that the resolution to which it sees itself forced is one of those which are indispensable, without which there would fall on the first authority of the country an immense responsibility involving its own honour.

In addressing this note to Mr. Lettsom by order of the President of the Republic, I have the honour to renew, &c.

(Signed)

ANTONIO DE LAS CARRERAS.

No. 41.

Mr. Lettsom to Earl Russell.—(Received January 2, 1865.)

My Lord,

Monte Video, November 29, 1864.

FROM my former correspondence your Lordship is aware that the town of Salto and the town of Paysandú in this country are blockaded by a Brazilian naval force, under the orders of Admiral Baron de Tamandaré.

Baron de Tamandaré, in announcing this blockade, stated very distinctly that his orders were to act in conjunction with the Brazilian military forces against Paysandú and Salto.

Those military forces have not yet made their appearance before those towns, and from what I can gather there seems to be no immediate probability of their arrival.

I am indeed very much inclined to believe that Brazil has not disposable troops of anything like the force, namely, from 8,000 to 10,000, that, a few weeks ago, it was asserted were about to be sent to act with the Brazilian naval forces before the two towns spoken of.

I venture to request of your Lordship to favour me with your instructions as to how long this blockade should be respected, a blockade established to act in concert with military forces not as yet on the scene of action, and whose arrival within a reasonable period seems to be very problematical.

It may be said with truth that next to no Uruguayan interests are exposed to injury from the continuance of this state of things, neither does the Oriental Government feel any material inconvenience from the present condition of affairs.

My French colleague tells me he writes to his Government by this mail, requesting to be favoured with instructions upon this point.

I have, &c.

(Signed)

W. G. LETTSOM.

No. 42.

Mr. Lettsom to Earl Russell.—(Received January 2, 1865.)

My Lord,

Monte Video, November 29, 1864.

THE revolution headed by General Flores has made no material progress this month. I learn, however, this morning by a letter from Salto, dated the 26th instant, that General Flores arrived in front of that town on the 24th instant with a force reported to consist of from 800 to 1,500 troops, and that he is about to besiege it by land, and that he probably will receive the aid of the Brazilian gun-boats on the river, just off the town.

I have, &c.

(Signed) W. G. LETTSOM.

No. 43.

Earl Russell to Mr. Lettsom.

Sir,

Foreign Office, January 9, 1865.

I HAVE received your despatches of the 29th of November, in the former of which you ask to be instructed as to how long the blockade of the ports of Salto and Paysandú is to be respected in the absence of the military forces which it was announced were to act in concert with the naval forces of Brazil in carrying that blockade into effect.

I have to state to you in reply that the blockade of those ports must be respected so long as the naval force employed in maintaining the blockade is fairly adequate for the purpose. The absence of the military forces, with which it was, as you say, intended that the naval force should co-operate, cannot invalidate the blockade."

I am, &c.

(Signed) RUSSELL.

No. 44.

Mr. Thornton to Earl Russell.—(Received January 20, 1865.)

My Lord,

Buenos Ayres, December 9, 1864.

I HAVE the honour to inform your Lordship that M. Paranhos, one of the most distinguished men of Brazil, and who has frequently been employed on missions to this country and the neighbouring Republics, arrived here on a special mission from His Majesty the Emperor of Brazil on the 2nd instant. M. Paranhos presented his letter of credence to his Excellency the President on the 7th instant. I have reason to believe that the principal object of M. Paranhos' mission is the direction of the hostile measures which are now being carried on against the Monte Videan Government. From the conversations I have had with him, I should imagine that M. Paranhos is provided with the most ample instructions and powers, and that although the Brazilian Government are determined to continue their hostilities with more energy than has previously been shown, they would still be extremely glad to make peace with the Monte Videan Government, provided they could obtain reasonable satisfaction for the grievances of which they complain. M. Paranhos is, however, of opinion that it will be impossible to bring the Monte Videan Government to terms without a strong demonstration of force, and it is evident that he proposes, after the fall of Paysandú, which is supposed to be imminent, that as large a force as possible, both of Brazilians and of those under the orders of General Flores, should be conveyed to the neighbourhood of Monte Video principally on board Brazilian vessels of war for the purpose of acting against that capital.

I could not but suppose that a part of M. Paranhos' instructions was to endeavour to induce the Argentine Government to join that of Brazil in active hostilities against Monte Video, and in a conversation I had a few days ago with Señor Elizalde I expressed this conviction to his Excellency. He did not deny that it was so, and added that both the President and he had already had several conversations upon the subject with M. Paranhos. But his Excellency repeated more positively what he has frequently stated to me, that the Argentine Government were determined to avoid all hostilities as long as possible, and that both the President and himself had made M. Paranhos aware of this resolution.

I have, &c.

(Signed) EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received January 20, 1865.)

(Extract.)

Buenos Ayres, December 9, 1864.

I HAVE the honour to transmit herewith, for your Lordship's information, translation of a note which I received on the 7th instant from Señor Berges, Paraguayan Minister for Foreign Affairs, in which his Excellency incloses copies of a correspondence with Senhor Vianna de Lima, Brazilian Minister Resident at Assumption. A copy of my answer to his Excellency I have likewise the honour to inclose.

By these documents your Lordship will perceive that the Paraguayan Government have determined to break off friendly relations with that of Brazil, on the ground of the invasion by Brazilian forces of the Republic of the Uruguay, against which Señor Berges had previously protested.

Señor Berges' note to Senhor Lima is dated the 12th ultimo, but did not reach the latter till the evening of the 13th. In the meantime a small Brazilian merchant passenger steamer, the "Marquez de Olinda," which makes periodical voyages from Monte Video to Cuyabá, in the Brazilian Province of Matto Grosso, had arrived at Assumption, having on board a new President for that Province, with several other passengers. This vessel started to continue her voyage to Cuyabá at 2 P.M. of the 12th ultimo. A few hours afterwards the Paraguayan steamer-of-war "Tacuari" was sent in pursuit of the "Marquez de Olinda," and brought her back a prisoner to Assumption, where she still remained at the last date from that capital, the passengers and crew being kept in close confinement on board of her, and being allowed to communicate with no one.

Senhor Lima at once demanded an explanation of this act in a note of the 13th ultimo, translation of which I have the honour to inclose, and was answered by a reference to Señor Berges' above-mentioned note of the 12th, which at the time of writing his note Senhor Lima had not yet received. Translation of Señor Berges' note are inclosed, as well as of Senhor Lima's note of the 14th ultimo, requesting his passport, and of Señor Berges' note of the same date acceding to his request.

It was a long time, however, before Senhor Lima was able to obtain the means of leaving Assumption, the Paraguayan regular steamers having ceased to run, and it was only at the earnest intervention of Mr. Washburn, United States' Minister at Assumption, that a small Paraguayan steamer-of-war was placed at Senhor Lima's disposal, on condition that it should not be molested on its return voyage to Assumption. Senhor Lima was thus enabled to start on the 29th ultimo, and reached Buenos Ayres on the 6th instant.

The seizure of the "Marquez de Olinda" seems to me a somewhat strained exercise of the rights of war, considering that the Brazilian Minister residing on the spot had at the time of the seizure not yet received any intimation of the rupture of relations, and further, contrary to the spirit of the XVIIth Article of the Treaty of April 6, 1856, between Brazil and Parraguay, which stipulates that in case of a rupture the citizens of the one party resident in the territory of the other may remain there to arrange their affairs and continue in their commerce or occupation, in the full enjoyment of their liberty and property. The claim to such consideration of a merchant passenger vessel merely passing through the territory would surely be as strong as that of residents.

Your Lordship will observe that Señor Berges, in his note to me of the 17th ultimo, gives credit to his Government for allowing the navigation of the Paraguay up to Matto Grosso to neutral merchant ships, although forbidden to the Brazilian flag. I believe this to be a matter of little importance to British interests, for I am not aware that a vessel under the English flag has ever been up to Matto Grosso.

Inclosure 1 in No. 45.

Señor Berges to Mr. Thornton.

Department of Foreign Relations,

Assumption, November 17, 1864.

(Translation.)

THE Undersigned, &c., has received orders from his Excellency the President of the Republic to place your Excellency in possession of the knowledge that the Oriental territory of the Uruguay having been invaded, and occupied on the 12th of last October by the vanguard of the Imperial army of Brazil, under the command of Brigadier Mena Barreto, and thus causing the occurrence of the case foreseen in the solemn

protest of the 30th of August last; consequent upon that declaration and that of the 3rd of September, the Undersigned has addressed to his Excellency Senhor Cesar Sauvian Vianna de Lima, Minister Resident of His Majesty the Emperor in this capital, the resolution which your Excellency will find in the inclosed copy under the No. 1; and its reply marked No. 2.

The Undersigned flatters himself that in the principles of free navigation and licit commerce with the Province of Matto Grosso, accorded to friendly flags, your Excellency will recognize the great desire which his Government has of contracting, as much as it is able, the evils of war within the limits practised by the most civilised nations, avoiding injuring the subjects of friendly Governments who may have interests in that Brazilian Province.

The Undersigned, &c.

(Signed)

JOSE BERGES.

Inclosure 2 in No. 45.

Señor Berges to Senhor de Lima.

Department of Foreign Relations,

Assumption, November 12, 1864.

(Translation.)

THE Undersigned, Secretary of State for Foreign Affairs, has received orders from his Excellency the President of this Republic to inform your Excellency that, notwithstanding that that Legation affirmed in its note of the 1st of last September, in reply to the protest of this Government of the 30th of August, that certainly no consideration would cause the Imperial Government to relinquish the policy which it had adopted towards the Oriental Government, that of the Undersigned hoped, however, that the moderation of the Imperial Government, and the consideration for its true interests, as likewise the sentiments of justice which constitute the guarantee of the respectability of all Governments, would influence it, so that, appreciating the ideas expressed in the said note of the 30th of August, it would adopt a policy more in accordance with the general interests and the equilibrium of the River Plate, as such a serious state of affairs counsels.

But it is with deep sorrow that the Government of the Undersigned sees that the official declaration of the 30th of August, and the confirmatory one of the 3rd of September, far from having received from the Imperial Government the attention which their moderate tone deserved, the latter responds thereto by acts of aggression and provocation, occupying with Imperial forces the village of Melo, chief place of the Eastern Department of Cerro Largo, on the 16th of last October, without previous declaration of war, or any other public formality which the law of nations prescribes.

This act of violence, and the marked want of consideration shown by the Imperial Government for that of this Republic, has called the serious attention of the Government of the Undersigned to future consequences, to the loyalty of the policy of the Imperial Government, and to the respect which it has for the territorial integrity of this Republic, already so little thought of, by the continual and clandestine usurpation of its territories, and causes the National Government to be under the necessity of having recourse to the measures mentioned as reserved, in its note of the 30th of August, in such manner as will be found most necessary to obtain the object which gave rise to that declaration; making use, in this manner, of the right by which it is supported to check the dangerous consequences of the policy of the Imperial Government, which menaces not only to destroy the equilibrium of the River Plate States, but to attack the greatest interests and security of the Republic of Paraguay.

In consequence of such a direct provocation, the Undersigned has to declare to your Excellency that relations between this Government and that of His Majesty the Emperor are broken off, the navigation of the waters of the Paraguay to the Brazilian flag being prohibited under whatever pretext, but the navigation of the River Paraguay, for the commerce of the Brazilian Province of Matto Grosso, remaining still free to the mercantile flags of all other friendly nations, with the reserves authorized by the Law of Nations.

I avail, &c.

(Signed)

JOSE BERGES.

Inclosure 3 in No. 45.

Senhor de Lima to Señor Berges.

(Translation.)

M. le Ministre,

*Imperial Legation of Brazil,**Assumption, November 13, 1864.*

AT this moment, 9 o'clock in the morning, I have been informed that the Brazilian packet "Marquez de Olinda," which left this port for Matto Grosso at 2 o'clock yesterday afternoon, having on board his Excellency the newly appointed President for that province, has been since daylight this morning anchored in the port of Assumption under the guns of the Paraguayan war-steamer "Tacuari."

The Commander of the said vessel not having presented himself at this Legation to explain the reason of his unexpected return, I must suppose that the rumours which are in circulation, to the effect that that Brazilian steamer was pursued by the "Tacuari," which left this port a few hours after the "Marquez de Olinda," and detained by her, are not without foundation; and that now she is prohibited from communication with the shore.

In these circumstances I immediately address your Excellency requesting explanations in reference to the serious act above referred to.

I renew, &c.

(Signed)

CESAR S. VIANNA DE LIMA.

Inclosure 4 in No. 45.

*Señor Berges to Senhor de Lima.**Department of Foreign Relations,**Assumption, November 14, 1864.*

(Translation.)

I HAVE just received the note which your Excellency sent to this office yesterday (Sunday) with the date of the day, requesting explanations in reference to the detention of the Brazilian packet "Marquez de Olinda," which, having left this port on the afternoon of the 11th for Matto Grosso, was found since daylight yesterday morning returned and anchored under the guns of the steamer "Tacuari."

It is needless to make any explanation of the affair, since your Excellency must be in possession of the note which I had the honour of addressing that Legation on the 12th instant.

I avail, &c.

(Signed)

JOSE BERGES.

Inclosure 5 in No. 45.

Senhor de Lima to Señor Berges.

(Translation.)

M. le Ministre,

*Imperial Legation of Brazil,**Assumption, November 14, 1864.*

LAST night I received the note of your Excellency dated the day before, informing me that you had received orders from the President to notify me that in consequence of the protest against the entry of Imperial forces into the Banda Oriental, contained in your Excellency's note of the 30th of last August, not having been attended to by my Government, the relations between the two Governments are broken off, and the navigation of the waters of this Republic to the war and mercantile flags of the Empire prohibited, under whatever pretext or denomination soever.

The act of violence committed upon the Brazilian packet "Marques de Olinda" on her way to Corumbá, and carrying on board the newly appointed President of the Province of Matto Grosso, is, doubtless, to be attributed to the serious resolution of the Government, of which your Excellency forms a part, an act in reference to which I lost no time in requesting explanations from your Excellency, which up to the present moment I have not received; the Commander, passengers, and crew of the vessel remaining in the meantime in detention, and being prohibited all communication with the shore.

In view of such a state of things, it is useless to discuss the considerations which are contained in your Excellency's note, and I limit myself to solemnly protesting, in the name

of the Government of His Majesty the Emperor, against an act of hostility practised in perfect peace against the said packet "Marques de Olinda," in violation of that convened between the countries in reference to fluvial transit, reserving from this time the rights of the Company for Navigating the Upper Paraguay for the losses and injuries they may sustain in the interruption of their voyages in consequence of the decision taken by the Government of the Republic.

It being my duty on this account to withdraw as soon as possible from this capital, I request your Excellency to have the goodness to send me the passports for myself, my family, the Secretary of Legation, and attendants, so that I may be enabled to leave in the packet "Marques de Olinda."

I renew, &c.
(Signed) CESAR S. VIANNA DE LIMA.

Inclosure 6 in No. 45.

Señor Berges to Senhor de Lima.

*Department of Foreign Relations,
Assumption, November 14, 1864.*

(Translation.)

I HAVE received the note which, in reply to that of this office of the 12th instant, your Excellency does me the honour to address me, dated yesterday, protesting against the detention of the Brazilian packet "Marques de Olinda," in relation to which vessel you had requested explanations, which you say you had not then received, attributing the act of stoppage to the determination come to by my Government, and requesting passports to retire, as soon as possible, from this capital with the staff of the Legation.

If, on closing the note which I reply to, your Excellency had not yet received my reply to your note of the 13th, requesting explanations, you would have received it immediately after, and by it your Excellency would be informed that you were not mistaken in attributing the detention of the "Marques de Olinda" to my notification of the 12th instant.

Inclosed I have the honour to forward your Excellency the passport you solicit, to enable you to retire as soon as possible from this capital with your family, Secretary of Legation, and attendants.

I avail, &c.
(Signed) JOSE BERGES.

Inclosure 7 in No. 45.

Mr. Thornton to Señor Berges.

Buenos Ayres, December 7, 1864.

THE Undersigned, &c., has the honour to acknowledge the receipt of a note dated the 17th ultimo from his Excellency Don José Berges, &c., inclosing copies of a correspondence between his Excellency and Senhor Vianna de Lima, Minister Resident of His Majesty the Emperor of Brazil, by which it appears that in consequence of the invasion of the Republic of the Uruguay by the vanguard of the Brazilian army, the Paraguayan Government has resolved to break off relations with that of the Brazils.

The Undersigned is convinced that Her Majesty's Government, to whom it will be his duty to convey the contents of Señor Berges' note, will sincerely regret that the Paraguayan Government should have found it necessary to take this step, and will hope for the speedy restoration of friendly relations between two nations who as neighbours and bordering upon the same great rivers as their common highways, are so much interested in preserving the relations of the most intimate friendship.

The Undersigned will not fail to communicate to Her Majesty's Government the determination of that of Paraguay to allow the merchant flag of all friendly nations to navigate the River Paraguay to the province of Matto Grosso with the reservations authorized by the law of nations.

The Undersigned, &c.

(Signed) EDWARD THORNTON.

Mr. Thornton to Earl Russell.—(Received January 21, 1865.)

My Lord,

Buenos Ayres, December 9, 1864.

I HAVE the honour to transmit herewith to your Lordship copy of a note addressed by Mr. Washburn, United States' Minister at Assumption to Señor Berges, which has been published in the Paraguayan newspaper.

In this note Mr. Washburn states that he had communicated to his Government the offer made by the Paraguayan Government to mediate between Brazil and the Republic of the Uruguay, and that he had been instructed to lend his best offices to second the efforts of the President of Paraguay, and to promote so desirable a result as the pacific arrangement of the difficulties existing between the two countries.

I likewise inclose copy and translation of Señor Berges' answer to Mr. Washburn's note.

I have, &c.

(Signed)

EDWD. THORNTON.

Inclosure 1 in No. 46.

Mr. Washburn to Señor Berges.

Sir,

United States' Legation, Assumption, November 12, 1864.

THE Honourable W. H. Seward, Secretary of State of the United States, in a despatch which he addressed to me on the 26th of August, acknowledged the receipt of a copy of the note which you did me the honour of addressing me on the 17th of the same month, in which you informed me of the intention of the Paraguayan Government to accede to the request of the Oriental Minister, Señor Sagastume, and of the offer of friendly mediation of Paraguay between his Government and that of Brazil.

From events which had taken place in the Oriental Republic anterior to that date, Mr. Seward observes, that they give room to apprehend that its powerful neighbours had the design of destroying its nationality, but he expressed the hope that the mediation of Paraguay would prevent a war between that country and Brazil.

A war of this kind, in which not only are material interests in danger, but the very existence of a Republic which until now was flourishing, would be greatly deplored by the Government of the United States, and I am instructed by Mr. Seward to say that any good offices which I may use in seconding the efforts of the President of Paraguay in bringing about so desirable a result as the pacific arrangement of the differences existing between those countries will be approved of by my Government.

It is scarcely necessary for me to add that the unsuccessful efforts at mediation in this disagreeable question will be received by my Government with deep sorrow, and a general war, towards which South America, on the east of the Andes, seems to be drifting, would be viewed by all the world as a great calamity. The efforts of the President of Paraguay to avert such a great catastrophe must be viewed as very commendable by all who know the value of peace for the development of the resources of these countries, and to obtain for its inhabitants that stability and security which are essential to the highest prosperity and happiness of nations.

I avail, &c.

(Signed)

CHARLES A. WASHBURN.

Inclosure 2 in No. 46.

Señor Berges to Mr. Washburn.

Department of Foreign Relations,

Assumption,

, 1864.

(Translation.

THE Undersigned, &c., has had the honour of receiving the note which your Excellency has addressed him on the 12th instant, communicating to him the despatch which his Excellency the Honourable Mr. William H. Seward had forwarded to that Legation, dated the 26th of August, relative to the manner in which the Government of the United States appreciates the affairs of the River Plate, and the part which the Paraguayan Government has taken in them.

This important communication having been brought to the knowledge of his Excellency the President of the Republic, the Undersigned has received orders from his Excellency to acknowledge in the warmest manner the noble sentiments of justice which the acts of his Government have merited from that of the United States, which attributes to its enlightened judgment the importance which it has among nations.

It is certainly painful that the good offices, which the Government of the Undersigned offered with such loyalty and friendly interest to bring about an arrangement of the differences which unfortunately had given rise to the situation which began in the month of last July between the Governments of the Oriental State of the Uruguay and that of His Majesty the Emperor of Brazil, have been on every side unsuccessful.

Your Excellency knows how fruitless these good offices have been rendered, and at present the affairs which have taken place subsequent to the dates mentioned by the Honourable Secretary of State of the United States are much more sad; but the Undersigned feels confident that his Government has left no means untried towards the maintenance of the peace of the River Plate, nor for the preservation of the nationality and rights of the Oriental Republic of the Uruguay, so earnestly desired by the Honourable Mr. Seward, and which to-day are more than ever menaced.

It is with pleasure that his Excellency the President sees that the Government of the United States of America has instructed your Excellency to second his efforts in the contemplated mediation; but he deplores the position which affairs have reached at this moment, causing, by the aggressive and abusive policy of the neighbouring empire, the probability of peace, the benefits of which are so much needed by these nationalities, to become every day more remote.

Thus fulfilling the orders of his Excellency the President, the Undersigned avails, &c.
(Signed) JOSE BERGES.

No. 47.

Mr. Thornton to Earl Russell.—(Received January 20, 1865.)

My Lord,

Buenos Ayres, December 11, 1864.

SENHOR PARANHOS called upon me last night, and stated to me that, before the Brazilian Admiral and General Flores had attacked the town of Paysandu, they had called upon Colonel Leandro Gomez, in command of the garrison of that town, to surrender, and had granted him a certain time to come to a decision. When, however, the flag of truce returned for the answer, he was fired upon by Colonel Gomez's order. Notwithstanding this outrage, they had, at the instance of the Commanders of two gun-boats, English and French, agreed to prolong the term, so that the families of neutrals might have sufficient time to leave the place. On a further summons, the flag of truce was again fired upon, and the two Commanders in question were satisfied that nothing was left to the Brazilian Admiral and General Flores but to attack.

Subsequently a Spanish vessel of war arrived at Paysandu, and Baron Tamandaré attributed it to her Commander's influence that the three Commanders addressed letters in their respective languages to him, requesting that the bombardment which had already been carried on for some time might be suspended. Those of the English and French Commanders, Senhor Paranhos said, were couched in the most courteous terms, whilst that of the Spanish Commander was somewhat peremptory. The Admiral, however, had an interview with them, and succeeded in persuading them that he was doing no more than was justifiable, upon which the three Commanders agreed to withdraw their letters.

Senhor Paranhos went on to say that, if it were to become known to the Monte Videan Government that neutral naval officers were disposed to view with displeasure and to endeavour to impede the hostile action in which the Brazilians are now engaged, and into which his Government considered they had been forced, the conflict would probably become more sanguinary, and last much longer. He, therefore, expressed his hope that, although in the present instance the English Commander, Lieutenant Johnson, of Her Majesty's gun-boat "Dotterel," had made no vexatious objection to the measures of the Brazilian Admiral, I would write to Rear-Admiral Elliot, and beg him to prevent, if possible, Her Majesty's naval officers from interfering more than was absolutely necessary in any measures which the Brazilian forces might find themselves obliged to undertake.

I replied to Senhor Paranhos that I was sure Rear-Admiral Elliot had no wish or intention to prevent the Brazilian forces from exercising the real rights of a belligerent, but that he would easily understand how much interested we both were, for humanity's sake, that there should be no unnecessary destruction of life and property, and that the

bombardment of towns which, like Monte Video, are inhabited by foreigners who take no part in the war should, if possible, be entirely avoided. I promised, however, that I would write privately to Rear-Admiral Elliot, in accordance with Senhor Paranhos' wish.

I have, &c.

(Signed) EDWD THORNTON.

P.S. *December 12.*—Since writing the above, and at this moment, I learn from Paisandu that, several foreign families not having availed themselves of the term allowed for leaving the town, the three Commanders insisted upon a further armistice for that purpose, which was granted by the Brazilian Admiral and General Flores, and the day of the 10th instant was assigned for the removal of those that had remained. Operations were to have recommenced yesterday; but torrents of rain prevented anything from being done.

E. T.

No. 48.

Mr. Lettsom to Earl Russell.—(Received January 20, 1865.)

My Lord,

Monte Video, December 14, 1864.

ON the 28th of last month General Flores appeared with his forces on the land side of Salto, while various Brazilian gun-boats took their quarters on the river in the immediate neighbourhood of that town.

General Flores summoned the commandant, Colonel Palomeque, to give the town up at once. This he immediately did.

The troops of General Flores entered Salto on the evening of that day, and very shortly afterwards left for Paysandú, the Brazilian gun-boats coming down the river to that town so as to present themselves there on the arrival of General Flores.

General Flores at once summoned Paysandú to surrender. The officer bearing the summons was not only not listened to, but was, I rather think, shot by one of the Staff of Colonel Leandro Gomez, the commandant of the garrison. The information received here, however, upon this point is not as yet very precise.

On the 7th the assault of the town commenced. General Flores attacked it by land and the Brazilian gun-boats, which acted in concert with him, from the river.

The Brazilian gun-boats landed, moreover, a party of marines who took part in the operations.

The latest news received here from Paysandú is of the 10th instant. At that date the town had not been taken.

The Brazilians at this "blockade" of theirs appeared to have fired on the town about 600 times. The damage done to the buildings is reported to be very great.

The garrison declare they will never surrender. The commandant, now "General" Leandro Gomez, has written to the Government to say that should he no longer be able to offer effective resistance his intention is to blow his brains out rather than surrender to the Brazilians.

The general opinion seems to be, and it is, I think, the opinion entertained by the Government of the Republic, that Paysandú must, however, shortly fall.

Should this be the case General Flores will, it is thought, advance on Monte Video, the Brazilian naval forces presenting themselves at the same time in the port here with the view of bombarding the city.

I shall be greatly obliged to your Lordship if your Lordship would inform me whether it is the intention of Her Majesty's Government to permit the bombardment of Monte Video by the Brazilian Commander-in-chief to take place, or whether Her Majesty's Government deem it right to authorize me to concert measures with the Commander-in-chief to prevent, if necessary by force, the destruction of British property and interests by the naval forces in Brazil.

Should the emergency referred to present itself prior to my hearing from your Lordship nothing will remain for me but to shape my conduct by the circumstances of the time, and to consult my colleagues as to the course best to be adopted.

I have, &c.

(Signed) W. G. LETTSOM.

The Secretary to the Admiralty to Mr. Hammond.—(Received January 23.)

Sir,

Admiralty, January 21, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral the Honourable Charles Elliot, dated the 14th December, reporting on the state of affairs in the River Uruguay.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure in No. 49.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Bombay," Monte Video, December 14, 1864.

IN my letters of the 15th and 29th ultimo, I reported that a blockade of the ports of Paysandu and Salto in the River Uruguay had been established by the Brazilian vessels under the command of Vice-Admiral Baron Tamandaré.

2. The declared intention of Brazil was to occupy as a reprisal or material guarantee all the territory of the Banda Oriental north of the River Negro. In attaining that object the co-operation of the revolutionary party under General Flores was cultivated though not openly avowed. At Paysandu they are acting together.

3. Flores having appeared before Salto with a force said to amount to 1,800 men, summoned the town to surrender, the conditions being that the garrison should be allowed to leave with all the honours of war.

4. On the 28th ultimo Colonel Palmeque, the officer in command of the Government troops, eventually submitted to these terms on the eve of the attack, the only shots fired being a few which did no injury, from the "Guauguay," a small steamer under Oriental colours, belonging to the Colorados (Flores' party.) These shot appear to have had some effect in inducing Colonel Palmeque, who had but a small garrison, to capitulate: thus injury to property was avoided.

5. Salto is now in the hands of Flores, and men from the Brazilian gun-boats, which are unable to go down to Paysandu till the river rises, are landed at night to assist in maintaining order in town. "The Sheldrake" is also there, having with difficulty ascended the river to protect British interests when the town was threatened. The river has since fallen, and she must remain there till it rises.

6. Paysandu was the next point of attack. Flores besieged it by land, while the Brazilian vessels threatened it from the river. It was summoned, the same terms being offered as at Salto, and the Brazilian Vice-Admiral, Baron Tamandaré, gave notice to Lieutenant Johnson of the "Doterel," on the 3rd instant, of his intention to open fire on the town on the 5th. Lieutenant Johnson acquaints me that the boats of the "Doterel" were then constantly employed in removing foreigners and families to the opposite side of the river, and in his anxiety to save life and property, he waited upon the Vice-Admiral to request him at least to delay the bombardment and give more time for the removal of persons and property. The attack was put off a day. The Brazilian vessels landed 120 men, and opened fire upon the town on the morning of the 6th, Flores simultaneously commencing the attack.

7. The Government troops under Colonel Leandro Gomez have defended the place with much bravery and determination; hard fighting took place that day and was followed up, but apparently with less vigour, on the 7th, 8th, 9th and 10th. On the morning of the 11th the town still held out.

8. I had desired Lieutenant Johnson, in the event of a probability of Paysandu being bombarded, to say from me to the Brazilian officer in command, that not only for the sake of the foreign community but in the interests of humanity, I hoped he would avoid adopting such a course, and that he would in that case not allow any vessel with which he was acting in concert to fire upon the town, as happened at Salto when the "Guauguay," as I was informed, threw shot and rockets without being interfered with by the Brazilian blockading squadron.

9. These instructions were received on the 9th by Lieutenant Johnson, who immediately communicated the substance of them to Baron Tamandaré, who acknowledged the

communication with courtesy, but said he had his orders to carry out. At a later hour on the same day, however, the officers in command of the neutral vessels present proposed to him that a suspension of arms should take place for a few hours to enable the women and children and non-combatants who had remained in the town to leave. This was immediately granted by him and by General Flores. An officer and man were sent from each neutral ship, having their respective flags and accompanied by a flag of truce; they were well received by Colonel Leandro Gomez, and before the expiration of the seven hours granted, they returned to the boats with all the people who chose to avail themselves of the opportunity to escape; the boats of all nations assisting to convey the refugees to the opposite island, where about 2,000 persons belonging to Paysandu are now congregated. As there are no houses on the island, Lieutenant Johnson had landed the "Doterel's" sails to rig tents, and to give them such protection as he was able; the French and Spanish gun-boats doing the same. The "Doterel" already had on board as many English and other refugees as her limited space admitted.

10. The political differences between this country and Brazil are increasing and are becoming more complicated. On the 1st instant, the Brazilian steam-sloop "Paranense" arrived off Monte Video from Rio de Janeiro; an officer was sent from her to acquaint me that Senhor Paranhos, charged with a special mission from Brazil, was on board, and would proceed immediately to Buenos Ayres. I called upon his Excellency, and in the course of conversation took the opportunity to say that without expressing any opinion as to whether the Government now in power at Monte Video, or some other, might be best, foreign interests being so great in the country we were naturally much interested in tranquillity being re-established. He said the Brazilians were equally anxious on that point, but the question between the two Governments would, he thought, have to be settled here (at Monte Video), intimating, as I thought, that he would recommend a demonstration against Monte Video. In case that should be his meaning, I thought it desirable then to remark that I felt confident the great desire of the English Government was to see order and confidence re-established without any interference on their part; but that whatever operations might be undertaken, I looked upon a bombardment of a place, where foreign interests were so great compared to those with this country, as a thing that should be avoided. I mentioned the maintaining the established boundary of the Banda Oriental as a subject the English Government must be interested in; and that to maintain the goodwill or non-interference of the European Governments, they should avoid any extension of their frontiers. Though not authorized by any instructions to make such a remark, I thought in the absence of any English Minister at Rio de Janeiro it might be useful to say this much in a friendly conversation. It struck me that Senhor Paranhos did not like the allusion to the retention of the present frontiers, as he made no reply on that point, to which I twice alluded, though he entered into the other questions.

11. It is believed that the mission of Senhor Paranhos is chiefly connected with Paraguay, but on the 5th instant accounts arrived here announcing that on the 12th ultimo that country had declared war against Brazil; the ostensible reason given being the invasion by Brazil of the territory of the Oriental Republic, with which Paraguay is on a friendly footing. This declaration on the part of Paraguay has elated the Government Party at Monte Video, who look to an army being sent to their assistance; but it seems more probable that Paraguay is merely looking after her own interests in seizing the time when Brazil is fully occupied elsewhere to settle her own boundary question, and assert her right to territory on her northern frontier which she claims, but to which Brazil also asserts a right.

I have, &c.
(Signed) C. B. ELLIOT.

No. 50.

Earl Russell to Mr. Lettson.

Sir,

Foreign Office, January 30, 1865.

I HAVE received your despatch of the 14th of December last relative to the proceedings of General Flores at Salto and Paysandu, and in reply to your inquiry as to what steps you should take in the event of an attack on Monte Video being threatened by the naval forces of Brazil, I have to direct you to be careful not to interfere without having first received instructions to that effect from Her Majesty's Government.

I am, &c.
(Signed) RUSSELL.

Señor Bareiro to Earl Russell.—(Received February 4.)

(Translation.)

My Lord,

Legation of Paraguay in England,

Paris, February 1, 1865.

I HAVE the honour to inform your Excellency, by order of my Government, that the war between Brazil and Paraguay anticipated in my note of the 27th of October last is now unfortunately an act already completed. Brazil having replied to the protest of Paraguay of the 30th August by the invasion and military occupation of the territory of Uruguay, my Government has felt it to be its duty to declare relations broken off between it and the Court of Rio Janeiro, and that the navigation of the rivers of the Republic is suspended for the naval and mercantile flag of the belligerent empire, and also that the passage of the River Paraguay is allowed solely to friendly flags for the trade of the Brazilian Province of Matto Grosso. Paraguay has replied to the hostilities commenced by Brazil without a previous declaration of war by capturing in her waters an Imperial packet, the steamer "Marquez de Olinda," on the 13th November.

In this grave situation my Government is desirous that the Government of Her Majesty may know at once what are the objects and what are the forms and means with which Paraguay intends to carry on the war to which the necessity of her defence compels her.

Paraguay owes and wishes to pay this proof of her respect for the opinion of the great nations which favour her with their friendship, and she flatters herself that the soundness of her views and the justice of the motives which place arms in her hands will bring to her side the sympathies which the civilization of Europe has always given to the nations which contends for its benefits.

The principal and most immediate object of Paraguay for the present is to preserve the independence of the Banda Oriental, which is the bulwark of her territory, by compelling Brazil to quit that province. Its entire evacuation by the forces of Brazil will be the implicit re-establishment of peace, unless the result of their passage should be the creation of a Government which might take upon itself to deliver up the country more or less clandestinely, as it took place in 1821.

For Paraguay to prevent Brazil from taking the Rio de la Plata as its southern frontier is only to preserve intact the free navigation of its affluents, the Paraná and the Paraguay, because that freedom is essential to the life of Paraguay as an independent State and as a civilized nation.

If the past reclusion of Paraguay, by which she escaped the general anarchy and gained the strength which now serves to defend her, if this lends an argument to her adversaries against the views of her present policy, she may reply that she fights for her present and her future, not for her past.

A proof of this is that all the views which she now defends have received the sanction of the positive law of nations, and the repeated and constant support of civilized Europe by the great diplomatic and military acts of which the Rio de la Plata has been the theatre in this century, and whose object and result has been to secure Oriental independence.

The views which actuate the policy of Brazil in its present conflicts with the Republics of the Plata are entirely opposite. History shows that its traditional endeavours have always been to annex to its territory the Oriental countries of the Rivers Paraguay, Paraná, and Plata.

Four times in the present century, when the Banda Oriental of Uruguay was in a state of anarchy, Brazil has come forward with its army, requiring two contradictory things, either that the Government, almost destroyed, should give it satisfaction, or that the country should accept the Government of Brazil as its own, to be ruled by it, while the national Government was failing or almost defunct. At present, instead of its own Government, it offers an Oriental Government of Brazilian creation, in order to conciliate the acquisition of its second object with respect for the Treaties which protect the Oriental independence.

This desire of Brazil for territorial annexations does not derive its origin from exalted views, nor from reparations or from ephemeral wishes for vengeance more or less legitimate, nor from antagonism of race or of system of government, but from the force of necessity, it must be admitted, which interests its population in the immigration of people of white race, in the maintenance of its present dimensions, and even in the subsistence of the people.

Although these facts are not hidden from the sagacity of Europe, I do not think it

inexpedient to recall them to your Excellency's observation on this occasion and in this place.

Brazil dissembles its territorial aspirations, pointing to the dimensions of its territory, which is equal to a quarter of North America. But this is a specious argument. It is not a question of the magnitude but of the quality of the country. Like Africa, almost all lying in the Torrid Zone, it is only habitable by Africans, whom it cannot now introduce because of the international Treaties which protect the freedom of the black man. In the necessity for being peopled by immigrations of race white and free it cannot effect this for want of a temperate territory, in which it may be said to be the smallest and most deficient of the States of South America, if we consider that beyond the Torrid Zone Brazil has no other provinces than San Pablo and San Pedro, adjoining the Republics of the Plata. To acquire the lands, temperate and habitable by white men, which it wants, it aspires to annex those which divide it from the Plata, Paraná, and Paraguay.

These rivers, Brazilian at their source and foreign where they become navigable, are so many interior doors of the Empire, but their keys belong to the Republics of La Plata, and as they are at the same time the only paths of real and effective communication between Rio Janeiro and the Western Provinces of the Empire, the integrity of its sovereignty cannot be made absolute without the permission of the adjacent Republics which are in possession of the lower parts of these rivers.

If we add to this that the scourge of famine afflicts the populations of Brazil with tropical pestilence, for the want of a temperate soil for the production of cattle and of cereal grains, it may be perfectly well said that Brazil seeks life itself in the acquisition of the territories which now supply it with meat and corn.

The truer it is that the territory of the Banda Oriental is filled with Brazilian people and property, the more certain it is from this very fact that the large territory of Brazil is not sufficient for it, because it is useless, for otherwise its inhabitants would not go away to establish themselves in turbulent and insecure Republics.

But the establishment of its necessity is not the establishment of its right, and the necessity of a country, however large it may be, cannot be a basis of right when it is opposed to the necessity of all the world. To rob the States of La Plata of their territory would be taking away from the commerce of Europe a vast field of free industry ("*esplotacion*") to put into its place the slaves, restrictions, abuses, and intolerance which make Brazil repugnant for the immigration of Europeans,—the only practical element and step for educating and regenerating the new States of South America, in the sense of its new independent attitude.

As the peril to which Paraguay is exposing herself by her military intervention in the question of Brazil and the Banda Oriental has received a certain denial from the neutrality which the Government of the Argentine Republic affects to maintain on that question, and as this denial acquires great authority from the circumstance that the Oriental independence was originally constituted under the guarantee of the Argentine Republic, I feel absolutely obliged to reply to this objection in the interest of my country's defence, by explaining the mystery of the neutrality of Buenos Ayres, as it is revealed by recent facts of the internal history of that country, without the smallest hostile intention towards its Government, the friendship of which we even now are desirous of preserving.

From these facts it results that what is known in the political world by the name of the Argentine Republic is the combination of two countries, bound together under a certain aspect, but separated and divided at bottom by a rivalry which is produced by the fact that the existence of the one is guaranteed almost exclusively by nearly all the resources of the other. The Governments of Europe and America are familiar with the details of the struggle between the Province or State of Buenos Ayres and the other provinces of the Argentine Confederation, which constitutes the whole foundation of the modern history of that country.

To maintain this state of things Buenos Ayres requires the support of an external ally, and that ally is Brazil; and the price presumably paid for that alliance is the connivance believed by general opinion to be visible in Buenos Ayres, hidden under the cloak of neutrality, which allows Brazil to establish its empire on one shore of the Plata, whilst Buenos Ayres is secured in the dominion of the other.

The Argentine Republic constituted itself the guarantor of the Oriental independence when it formed one compact State in 1828. At that epoch the Banda Oriental was for the Argentine State what it is now for Paraguay—a protecting bulwark of her independence. The conditions of the Argentine country being now entirely altered, its alliances and all the exigencies of its external policy are also altered.

The division of the monopoly of the navigation of the Plata and its affluents between Buenos Ayres and Brazil would be the indirect restoration of the colonial system of Lisbon

and Madrid, not indeed for the advantage of those two cities, but for that of the capitals of their ancient vice-royalties in America. Europe would lose thereby all that she considered she had gained by the independence of those countries, in favour of her free trade.

Brazil and Buenos Ayres, in anticipation of this, protested against the Treaties of free river navigation which the Argentine provinces concluded in 1853 with the maritime nations of Europe and America; and although they have pretended, since that time, to assent to the principle of free navigation they have not hitherto participated in the Treaties which have turned it to a practical truth.

Paraguay is not in want of means to resist and to repel such a policy, more especially when all the elements which have an interest in the liberties and privileges of interior ("mediterranea") America cannot but favour her and sympathise with her.

Notwithstanding the comparatively small extent of her territory, Paraguay believes that she is not undertaking an enterprise above her strength in accepting the war made upon her by Brazil. Paraguay is distant from Rio Janeiro hundreds of leagues, impracticable by land and very costly by water. Her population, equal in number to that of the whole Argentine Republic, is military. The history of 1811 proved that her soldiers know how to conquer without being necessarily veterans in anarchy. The army is the expression of the country in the homogeneousness of its elements and in the unity of its patriotic spirit.

Paraguay feels herself strong, and therefore may show herself moderate. She has left to Matto Grosso, a Brazilian province, the benefits of foreign commerce, whilst Brazil is bombarding and reducing to ashes the Oriental city of Paysandu, upon those same waters of the Uruguay which formerly saw in 1817 twenty flourishing cities given up to the flames by the soldiers of this same Brazil, which pretends to raise up the flag of civilization in America.

Far from forgetting the attentions of courtesy which are due even to the representatives of an enemy's country, Paraguay has had the satisfaction of placing one of the steamers in her employ at the command of the Brazilian Minister, who withdrew from the Republic where he was resident, navigating on board of her, under her flag.

I beg pardon of your Excellency for entering into such detailed considerations, yielding to the desire which moves my Government to preserve intact the good opinion and the sympathies of the Government of Her Britannic Majesty in the painful emergency which at this moment puts division between it and the most important of the South American States; and also as a proof of the conviction which my country feels that the real dangers for the States of the Plata are found in America itself, whilst their guarantees are in Europe and in the great general interests of both worlds connected with peace, with liberty, and with the internal balance of the new Continent.

I take, &c.

(Signed) CANDIDO BAREIRO.

No. 52.

Mr. Lettsom to Earl Russell.—(Received February 7, 1865.)

My Lord,

Monte Video, December 14, 1864.

I HAVE the honour to place herewith in your Lordship's hands a translation of a note addressed by Dr. Antonio de las Carreras to the senior member of the Diplomatic Body, Signor Barbolani, transmitting to his Excellency a list of the vessels sailing under the Uruguayan flag, and stating to the Italian Minister that from this list it will be easy for the Commanders of foreign vessels of war to recognize whether vessels sailing under that flag do so legally or not.

The list transmitted to Signor Barbolani contained merely the names of above 200 vessels, the great majority of them engaged in the coasting trade.

Dr. de las Carreras, it will be seen, states in this note that the President has no objection to the Commanders of the foreign ships of war visiting those vessels to see if their papers are in order.

It is manifest that such course of conduct cannot be adopted by those officers.

It is not for the purpose of carrying out the maritime police of Uruguay that they are stationed here.

The application of Dr. de las Carreras is based on the fact that three or four small vessels, among them the little steamer "Guauguay," have been fitted out at Buenos Ayres in aid of General Flores.

I have also the honour to forward to your Lordship a translation of the answer of Signor Barbolani to the note of Dr. de las Carreras.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure 1 in No. 52.

Señor de las Carreras to Signor Barbolani.

(Translation.)

M. le Ministre,

Monte Video, November 5, 1864.

IN addition to the note which I had the honour of addressing to your Excellency, as senior member of the Diplomatic Body, relating to guaranteeing commerce in the waters of the Republic against the vessels that are considered as pirates by the law of nations and the practice of civilized nations, I transmit herewith to your Excellency, in certified copies, the lists of the merchant-vessels which sail under the Oriental flag.

With these lists the foreign vessels of war in the River Plate will be enabled at once to recognize the vessel that carries that flag unduly, and this whether it presents itself armed, or whether as a merchant-vessel.

I am, moreover, charged by the President of the Republic to make known to your Excellency that the Government sees no objection in the vessels of the naval stations detaining and visiting all the vessels that sail under the Oriental flag in order to examine whether their papers, as far as the flag which they carry is concerned, are issued by the Government or by any of its Agents in Uruguay.

This authorization, which the Government of the Republic gives in consequence of it not possessing for the present the means of proceeding against the vessels spoken of, will be admitted, I do not doubt, by your Excellency and your honourable colleagues as a proof of its ardent desire for the freedom of the river navigation, and for the security of legitimate commerce.

I avail, &c.
(Signed) ANTONIO DE LAS CARRERAS.

Inclosure 2 in No. 52.

Signor Barbolani to Señor de las Carreras.

(Translation.)

M. le Ministre,

Monte Video, December 3, 1864.

I RECEIVED the note which your Excellency did me the honour to address to me, dated the 5th of last month, as senior member of the Diplomatic Body, in which your Excellency was pleased to make known to me that the Government of the Republic with the view of securing the safety of the trade of the river, had no objection to foreign ships of war visiting the merchant-vessels bearing the Oriental flag and treating as pirates those illegally using the said flag.

Having communicated the contents of the note spoken of to my honourable colleagues, I have been charged by them to thank your Excellency for that communication, and at the same time to assure you that in the event of any vessels fitted out for war with the Oriental flag attempting to molest in any manner the foreign trade, the Commanders of the foreign naval stations in the River Plata, each in that which concerns him, will not fail to punish severely and promptly the outrage committed upon his own flag.

I have, &c.
(Signed) R. ULYSSES BARBOLANI.

No. 53.

Mr. Lettsom to Earl Russell.—(Received February 7, 1865.)

My Lord.

Monte Video, December 14, 1864.

I HAVE the honour to transmit to your Lordship herewith a translation of a letter from Dr. A. de las Carreras to Signor Barbolani, the senior member of the Diplomatic Body, requesting his Excellency to take the necessary steps with his colleagues to prevent the bombardment of Paysandú by the Brazilian naval forces.

Dr. A. de las Carreras, as your Lordship will observe, states that as there are no forts to overcome, such an act would be one of the blackest cowardice on the part of Brazil.

His Excellency does not, however, allude to the fact that during the last three months the Government papers of this place and the official publications at Paysandú have daily rung with the coarsest abuse of Brazil, and with declarations that in the case of an attack of that town by the Brazilians, "the modern Sebastopol" would offer the most vigorous resistance.

I have also the honour to forward to your Lordship a translation of Signor Barbolani's answer to the letter of the Minister for Foreign Affairs.

The steamer "Guauguay," therein spoken of, is one of the vessels before alluded to by me as fitted out at Buenos Ayres to assist General Flores, and sailing, as circumstances render it necessary, either under the Argentine flag or that of this Republic.

It is clear that the "Guauguay" cannot sail legally under the Uruguay flag, which has been granted to her at Buenos Ayres.

I have reason to think that General Mitre has at last resolved that this vessel shall not take an active part in this struggle.

The "Guauguay," it seems to me, should never have been allowed to quit Buenos Ayres in the enjoyment of a double nationality.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure 1 in No. 53.

Señor de las Carreras to Signor Barbolani.

(Translation.)

M. le Ministre,

Monte Video, December 6, 1864.

AS you are about to call together your colleagues, I call your attention to the announcement, in all the letters from Paysandú and Concepcion del Uruguay, that the Brazilians are preparing to bombard Paysandú.

Should that take place it will be a real outrage; for there being no forts to overcome, the peaceful and innocent population will be the victim of an act bearing all the character of the blackest cowardice.

Relying on the previous declarations of the Diplomatic Body, I hope your Excellency and your honourable colleagues will take the necessary and effectual measures to prevent such an outrage from taking place.

Trusting that your Excellency will call to it the attention of your colleagues, I avail, &c.

(Signed) ANTONIO DE LAS CARRERAS.

Inclosure 2 in No. 53.

Signor Barbolani to Señor de las Carreras.

(Translation.)

M. le Ministre,

Monte Video, December 8, 1864.

I HASTENED to call the attention of my honourable colleagues of the Diplomatic Body to the communication contained in your Excellency's letter of the 6th instant, relating to the apprehended bombardment of Paysandú by the Brazilian squadron, and also to what your Excellency told me verbally respecting the steamer "Guauguay."

With regard to the acts of hostility that the Brazilian squadron exercises at this moment to the north of the Rio Negro, without previous declaration of war, and in opposition, moreover, to the declaration contained in the circular note of Baron Tamandaré of the 11th of September last, the Diplomatic Body is of opinion that it serves to corroborate the reservation previously made by us in reply to the said note concerning the responsibility for the injuries which may ensue to foreign trade and property.

Respecting the steamer "Guauguay," Her Britannic Majesty's Chargé d'Affaires, Mr. Lettsom, has stated, without it being understood as an official declaration, that he felt assured the Commander of the English gun-boat would not permit that vessel to fire upon Paysandú.

And inasmuch as the other foreign gun-boats stationed there have instructions to act in concert among themselves, it is to be presumed they will concur with the British Commanders to paralyze the action of the "Gualeguay" before Paysandú.

Replying thus to your private letter referred to, at the special request of my colleagues, I have, &c.

(Signed) R. ULYSSES BARBOLANI.

No. 54.

Mr. Lettsom to Earl Russell.—(Received February 7, 1865.)

My Lord,

Monte Video, December 20, 1864.

IN consequence of a Decree of the President dated the 13th instant, the five existing Treaties between this Republic and Brazil were torn up and burnt in the public square on Sunday the 18th instant.

In order to render this measure as offensive as possible to Brazil, these Treaties were burnt by the hands of a criminal, who was selected for this purpose from the gaol of this city.

The President and his Minister were present at this disgraceful act. Both on their arrival and at their departure they were received with the most significant silence.

As a display of national indignation against Brazil, at which a vast concourse of people were expected to be present (and with this view a Sunday was evidently selected for the act), I never witnessed a more complete failure.

There were not, independent of the military on duty, 300 people present, and many of them, like myself, were doubtless attracted thither by curiosity.

Since the burning of these Treaties the Government have been endeavouring to get signatures to a declaration expressing approbation of what has been done, and as all the numerous persons in the employ of the State are threatened with dismissal from their posts if their names are not added to that declaration, the document I do not doubt will receive a considerable number of signatures.

Though the Treaties in question were undoubtedly most galling to the Republic, I think I am justified in saying that the manner in which President Aguirre and his Cabinet have thought proper to declare them null and void has been generally disapproved of.

I have, &c.

(Signed) W. G. LETTSOM.

No. 55.

Mr. Lettsom to Earl Russell.—(Received February 7, 1865.)

(Extract.)

Monte Video, December 22, 1864.

OWING to the siege of Paysandú by the combined forces of General Flores and Baron Tamandaré, numerous families have abandoned that town, and taken refuge either on an adjacent island in the Uruguay or in the town of Concepcion, on the opposite bank of the river.

There are also various wounded persons in the town of Paysandú itself.

To relieve the wants, both spiritual and temporal, of those on the island and in Paysandú a commission, consisting of the Apostolic Vicar and two other priests, four sisters of charity, a physician of the name of Wich, and three other persons, went from here to Paysandú on the 11th instant in a steamer, which vessel had been chartered to carry provisions and clothing to the necessitous there.

On the arrival of the "Religious and Charitable Commission" at its destination, General Flores inquired of the Apostolic Vicar and of Dr. Wich whether they were bearers of letters from the Government of Monte Video to General Leandro Gomez, the Commander in Paysandú.

They both declared on their word of honour that such was not the case.

On examining the luggage of Dr. Wich, however, there were found in a double bottom of one of his boxes no less than seventeen letters addressed by his Excellency the President, by General Andres Gomez, Minister of War, by Colonel Herrera, the Captain of the Port here, and others, to General Leandro Gomez and other military chiefs in the besieged town.

I rather think the discovery of the letters above spoken of has induced General Flores to refuse permission to this Commission to enter Paysandú, in which case the services of the Apostolic Vicar and his colleagues will be confined to the island spoken of.

No. 56.

Mr. Thornton to Earl Russell.—(Received February 7, 1865.)

My Lord,

Buenos Ayres, December 26, 1864.

SINCE the declaration of war by the Republic of Paraguay against Brazil and the capture of the steamer "Marquez de Olinda," very little news from the former country has arrived here.

It is, however, positively asserted that the Paraguayan Government have sent an expedition of 2,000 men up the River Paraguay for the purpose of occupying certain points now held by the Brazilians on the right bank of that river, and others in the province of Matto Grosso.

It has also been reported to me by persons whose information I am hardly at liberty to doubt, that the Paraguayan Government intend to send an army of 15,000 men, or thereabouts, to the Brazilian province of Rio Grande, so as to compel the Brazilian forces to withdraw from the Republic of the Uruguay. What route the Paraguayan army is to take no one seems to know. Some say that it will embark at Itapua on the right bank of the River Parana, will ascend that river until it reaches Brazilian territory, and will then march across it to the province of Rio Grande. But such a march would be so long and difficult that I am rather disposed to think with others that the Paraguayan army would at once cross the Parana, would go through the territory of the Misiones, and crossing the Uruguay would land in Brazilian Uruguayana, or in the Republic of the Uruguay. The principal part of the territory through which their course would then lie is in dispute between the Argentine and Paraguayan Governments, but there is a strip along the right bank of the Uruguay which I believe no one has ever pretended is anything but Argentine territory.

Should the Paraguayan army cross this strip of land, I imagine that the Argentine Government will consider it a violation of their territory and a *casus belli*.

I am told that the Paraguayan Government intend to have their army in the province of Rio Grande within a fortnight if possible.

I have, &c.
(Signed) EDWD. THORNTON.

No. 57.

Mr. Thornton to Earl Russell.—(Received February 7, 1865.)

(Extract.)

Buenos Ayres, December 26, 1864.

ON the 17th instant I had a long conversation with M. Paranhos, now here on a special mission from His Majesty the Emperor of Brazil, with respect to the hostile operations which are being carried on by the naval and land forces of his Sovereign, against the Monte Videan Government.

I am convinced that M. Paranhos is furnished with ample instructions and full powers from his Government for either war or peace, but that at the same time the Brazilian Government are extremely desirous of bringing about a pacific solution of their differences with the Monte Videan Government. As I have been given to understand that as soon as the reduction of Paysandu shall have been effected, it is intended to send as large a Brazilian force as possible to Monte Video in concert with General Flores, for the purpose of making a demonstration against, and even attacking that city, and as I fear such a measure may bring about serious complications even with neutral Governments, I endeavoured to persuade M. Paranhos that it would be much more to the advantage of his Government if some means of bringing about an amicable settlement of their differences could be devised, before proceeding to so extreme a measure. I even suggested that the question should be submitted to arbitration, and stated that though diplomatic relations had unfortunately been suspended between Brazil and England, I was convinced that Her Majesty's Government would not disapprove of my contributing to bring about an arrangement of a question which was doing irreparable injury to numbers of Her Majesty's

subjects residing in the Republic of the Uruguay. I observed, too, to M. Paranhos that the continuance of the war could not but render the Brazilians more unpopular than they already were, and that he must be aware that the bombardment of Paysandu, necessary as it may have been, had made them many enemies even among their so-called allies, the adherents of General Flores.

M. Paranhos replied that he was much obliged to me for the interest I took in the Brazilian question with Monte Video, but that though his Government were undoubtedly most anxious to discover some means of arranging their difference, he did not see that there was any possibility of doing so at this moment. Paysandu must be taken, and an overwhelming force must be sent to Monte Video, so that those in the town who were in favour of peace, and of whom he was persuaded there was a large majority, might exercise a pressure upon the Government and force them into submission. This, he said, was absolutely indispensable for the honour and dignity of the Brazilian Government, especially since they had been insulted by the burning of the Treaties of 1851, and in presence of the attitude assumed by the Republic of Paraguay with regard to the Monte Videan question.

It was in vain that I stated to M. Paranhos that the wording of Treaties of Peace sometimes afforded more decisive victories than sanguinary battles, without the risks and losses attending the latter; that I had been led to believe that the Monte Videan Government were also desirous of peace.

Upon my pressing M. Paranhos upon this question, he stated that he could say no more, because he was in negotiation with the Argentine Government for an active alliance against the Monte Videan Government, in which he believed he should succeed, and that then the conditions would be made public, and the position of Brazil would be greatly improved. I replied that I believed he was deceiving himself, but that I could well understand that, entertaining such hopes, he was unwilling to enter into any negotiation for peace at present.

I have since learnt, both directly from Señor Elizalde and from other quarters, that the Argentine Government have finally rejected M. Paranhos' overtures, and have determined not to interfere in any way in the Monte Videan question, except with the object of contributing towards making peace. Indeed, dislike to the Brazilians is so deeply rooted in the natives of these Republics of Spanish origin, although I think in great measure undeservedly, that I doubt whether any Government would be able to carry out an alliance with Brazil, even for the purpose of aiding General Flores' party, who enjoy the warm sympathies of the Argentine Government party.

If, however, the Argentine Republic were to receive any direct provocation from Paraguay, I have no doubt that a war against that country would be hailed with enthusiasm, and such an event would of course materially assist the operations of Brazil.

In the meantime Don Florentino Castellanos, one of the principal men of Monte Video, and President of the Senate, arrived here on the 22nd instant, and spoke to me of the unhappy state of the Republic of the Uruguay, of the desire of the Monte Videan Government to make peace, and of his hope that I would assist with my good offices. Señor Castellanos was then going to the country, but promised that he would shortly send to Señor Lamas a statement in writing of the bases on which he was sure his Government would be willing to come to terms.

The day before yesterday I called upon Señor Lamas, who had just received from Señor Castellanos the memorandum which the latter had promised, relative to the conditions upon which the Monte Videan Government might be willing to make peace.

These were to the following effect:—

With regard to foreign matters, it is proposed that Plenipotentiaries from Brazil, Paraguay, and the Argentine and Monte Videan Governments should meet at Buenos Ayres for the purpose of settling their respective grievances with each other, and in case there might be any point on which they could not agree, that this should be submitted to the arbitration of a neutral Power. Previously to the meeting of these Plenipotentiaries, the foreign armies in the Republic of the Uruguay should retire to their respective frontiers, and hostile ships of war to their own or neutral ports.

With regard to the internal question with General Flores, the Monte Videan Government would be willing to make peace, provided that General would accept as they stand the bases signed on the 18th of June last.* Señor Aguirre would then name a new

* *Conditions of Peace recommended by Argentine, Brazilian, and English Ministers.*

(Translation.)

THEIR Excellencies the Ministers Dr. Don Rufino de Elizalde, Minister for Foreign Affairs of the Argentine Republic, and Dr. Don José Antonio Saraiva, of His Majesty the Emperor of Brazil, and Don Edward

Ministry, but entirely of his own choice, without consulting General Flores upon the subject; he would not, however, object to name the Minister of Finance from among General Flores' party, though it was to be expressly understood that the General himself was to be excluded from the Ministry. The new Ministry being installed, the disarmament of all the forces except those allowed by the law should be carried out, the latter signifying of course those maintained by the Government.

Señor Castellanos is supposed to be one of the most moderate men in Monte Video, and I confess that I have always thought he deserved his reputation. But when proposals like these are made by such a man, it is clear that the Monte Videan Government must either obtain some marked advantages, or must be subjected to considerable pressure, before peace can be made. To suppose for instance that Brazil, after having spent considerable sums during a serious financial crisis at home, for the purpose of bringing her naval and military forces to the Republic of the Uruguay, should consent to their withdrawal at once, or that she should at this moment agree that Señor Aguirre should remain in power after having decreed, and been present at, the burning of the Treaties of 1851, is almost absurd.

When I spoke to Senhor Paranhos, as mentioned in the first part of this despatch, my principal object was that negotiations should be entered into before the Brazilian forces should reach Monte Video; but the mere appointment of a Plenipotentiary by Paraguay would require much more time than the Brazilians assert they will need to bring their forces before Monte Video.

Nor can it be imagined that General Flores, supported now by a Brazilian army and squadron, would submit to worse conditions than those accepted by Señor Aguirre, when General Flores had to depend upon his own resources.

It is now said that the siege of Paysandu, which has been raised for a few days, is to be resumed by so large a Brazilian force that resistance will be almost hopeless. Should it fall I am given to understand that the Brazilian army will at once proceed, partly by land and partly by water, to Monte Video. Much will depend upon the rapidity of their movements; as yet these have been singularly slow.

This and my preceding despatch of to-day's date, I am sending under flying seal to Mr. Lettsom.

No. 58.

Mr. Lettsom to Earl Russell.—(Received February 17, 1865.)

My Lord,

Monte Video, December 28, 1864.

THE Government here, since the declaration of war by Paraguay against Brazil, profess to expect aid from the former Power against the Brazilians.

As far as I can ascertain, I think this expectation of active aid is groundless.

It seems to me that the President of Paraguay, availing himself of the fact of Brazil finding itself hampered by the position in which it has so unwisely placed itself with

Thornton, of Her Britannic Majesty to the Argentine Republic,—animated with a strong desire of seeing the Oriental Republic in a state of peace, have taken upon themselves to point out the following conditions as necessary for arriving at so important an end:—

1. All Oriental citizens should remain from this time in the plenitude of their political and civil rights, whatever may have been their former opinions.
2. Consequently, the disarming of the forces will be made in the manner and form which the President may determine, agreeing with Brigadier-General Don Venancio Flores the manner of arranging this with the forces under his command.
3. Acknowledgment of the grades of service conferred by Brigadier-General Don Venancio Flores during the time of the struggle, on those over whom the President has the power of conferring such, and the presentation to the Senate on the part of the President of the Republic begging their authorization, to acknowledge the grades of those to whom this requisition is necessary, according to the Constitution of the Republic.
4. Acknowledgment as National Debt of all expenses made by the forces of Brigadier-General Don V. Flores, up to a sum of 500,000 national dollars.
5. The sums obtained by orders emanating from Brigadier-General Don V. Flores, proceeding from patent contributions, or from whatever other tax, shall be considered as belonging to the National Treasury.

Puntas del Rosario, June 18, 1864.

(Signed)

RUFINO DE ELIZALDE.
JOSE ANTONIO SARAIVA.
EDWD. THORNTON.

Accepted:

(Signed) VENO. FLORES.

We accept, *ad referendum*:

(Signed) ANDRES LAMAS.
F. CASTELLANOS.

regard to this Republic, has chosen the moment, upon the plea of the independence of Uruguay being attacked by its powerful neighbour, to take, himself, possession of certain territory, at present occupied by Brazil, to which Paraguay lays claim.

I have, &c.
(Signed) W. G. LETTSOM.

No. 59.

Mr. Lettsom to Earl Russell.—(Received February 7, 1865.)

My Lord,

Monte Video, December 29, 1864.

FOR some days the combined attack upon Paysandú by Baron de Tamandaré and General Flores has been suspended, awaiting the arrival of reinforcements of troops from Brazil.

Three Brazilian steamers that went up the river yesterday are believed to have those reinforcements on board.

I have, &c.
(Signed) W. G. LETTSOM.

No. 60.

The Secretary to the Admiralty to Mr. Hammond.—(Received February 9.)

Sir,

Admiralty, February 7, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 29th of December, from Rear-Admiral the Honourable C. Elliot, reporting the state of affairs in the River Plate.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure in No. 60.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Triton," Monte Video, December 29, 1864.

IN continuance of my letter of the 14th instant, I have the honour to report the progress of events in the Republic of Uruguay and in the River Plate.

2. The Government of Monte Video published on the 14th December Decrees declaring late Treaties with Brazil to be cancelled, null and void; and in order to give weight and solemnity to that declaration, ordering the said Treaties in original to be publicly burnt. That resolution was carried into execution on the 18th instant in the public square at the gate of the town, under superintendence of the President of the Republic and the Ministers, but there was an absence of approval or of enthusiasm on the part of the public, who were convened to witness an act which may be looked upon as a declaration of war.

3. Paysandu, which was besieged by the Brazilians and by General Flores, remained by the latest accounts in the hands of the Government party, Flores having withdrawn most of his troops for a few leagues in order to check the advance of General Saá, who was approaching to relieve the town, and the Brazilians had re-embarked some heavy guns they had landed from their ships.

4. An addition of 1,600 Brazilian soldiers are on their way to this river from Rio de Janeiro. There seems no reason to doubt that the intention of the Brazilian Government is to make a demonstration in force against Monte Video, in order to compel the Monte Videan Government to succumb or come to terms. The check which the Vice-Admiral Baron Tamandaré had received at Paysandu may delay this, but the attack on that town was to be renewed, and it cannot be expected to hold out against the forces now before it. When Paysandu falls the Brazilian land and sea forces will be free to act elsewhere; it is therefore likely that in the course of three weeks Monte Video will be invested by the joint forces of the Brazilians and of General Flores, and I beg to bring to the notice of the Lords Commissioners of the Admiralty the injury to English and foreign interests generally the continuance of such an investment or of a blockade of the port would entail.

5. In my conversations with Baron Tamandaré and with M. Paranhos, the Brazilian Envoy, I endeavoured to impress upon them the necessity of avoiding the bombardment of unfortified towns, especially where the amount of foreign property at stake is so large in comparison with that of natives as at Monte Video; and they both appeared to appreciate the advantage in any such operations of bringing so overwhelming a force to bear as would make resistance improbable. The slow progress made in reducing Paysandu is not corroborative of their powers to act in that manner, but they have now a stronger force at hand.

6. The Paraguayans are sending an army to the North, with the intention, it is supposed, of invading Brazilian frontier provinces, and it is thought probable that they may, in the course of their march, traverse Argentine territory; should they do so, the Argentine Government may be provoked to declare war against them, though it has hitherto shown every disposition to remain at peace, notwithstanding the endeavours of Brazilian agents to obtain its active assistance.

7. Such is at present the complicated state of affairs in these countries, the result of which it is impossible to foresee.

I have, &c.
(Signed) CHAS. ELLIOT.

No. 61.

Earl Russell to M. Bareiro.

M. le Ministre,

Foreign Office, February 13, 1865.

I HAVE the honour to acknowledge the receipt of your note of the 1st instant, announcing that hostilities have commenced between Brazil and Paraguay, and discussing the causes which have led to this state of things.

I am, &c.
(Signed) RUSSELL.

No. 62.

Earl Russell to Mr. Lettsom.

Sir,

Foreign Office, February 18, 1865.

WITH reference to your despatch of the 14th of December last and to my reply of the 30th ultimo, relative to the state of affairs in the River Plate and the probable investment of Monte Video, I have to direct you to express to the Brazilian Commander-in-chief the hope of Her Majesty's Government that in any attack that may be made, respect will be shown to the property of British subjects, and that the Brazilian force will not bombard unfortified towns.

I am, &c.
(Signed) RUSSELL.

No. 63.

Mr. Lettsom to Earl Russell.—(Received February 20.)

(Extract.)

Monte Video, January 8, 1865.

I HAVE the honour to acquaint your Lordship that news arrived here on the 4th instant of the taking of Paysandú on the 2nd of the month by the combined forces of General Flores and of Baron de Tamandaré, after a sharp attack.

Immediately after the taking of the town General Leandro Gomez, the officer in command, was seized, with three other officers of the garrison, and shot by order, I believe, of one of the officers of General Flores.

One thing is perfectly certain, namely, that Baron de Tamandaré had not yet come into Paysandú when this act, at which he expressed on his arrival the utmost indignation, was perpetrated.

The news of the manner of his death called forth much excitement in this city, the first result of which was the nomination of a set of persons by the mob who were to submit to the President a list of names of violent men, from whom he was to choose one to

replace the then Minister of War, General Andres Gomez, who was accused of a want of energy.

General Andres Gomez is brother of the late "Hero of Paysandú."

The President, who refused to accept, as an infringement of his attributes, a Ministry consisting of decent men when suggested to him by MM. Saraiva, Elizalde, and Thornton, did not hesitate to name as Minister of War, at the dictation of the mob, a certain Dr. Susviela.

The Brazilian naval force will, it is expected, arrive off Monte Video about the 25th instant. General Flores, with the Brazilian land forces, will at the same time invest the city.

No. 64.

Mr. Lettsom to Earl Russell.—(Received February 20.)

(Extract.)

Monte Video, January 12, 1864.

IN the newspapers published on the night of Saturday the 7th instant there appeared a decree of the Government suspending the payment in specie of the two banks here called "Bank of Maná and Co." and "Commercial Bank," and giving forced circulation to their notes.

The decree, moreover, imposed a forced loan of 250,000 dollars, equal to about 53,000*l.*, upon each of those establishments.

On Monday morning the 9th instant, before 6 o'clock, I received from Dr. A. de las Carreras the letter of which a translation is inclosed, requesting the landing of marines from Her Majesty's ships stationed here, to protect those banks on their opening at 9 o'clock.

Marines were immediately landed from the various naval forces assembled here and sent to those banks.

A party of English marines was likewise sent to the London, Buenos Ayres, and River Plate Bank for its protection in case of a disturbance.

Up to this time no forced loan has been allotted to this latter bank, which is not as yet a bank of issue.

Early on Monday morning I called on Senhor Guimaraens, the manager of the Bank of Maná and Co., to ask if he purposed giving the Government the money demanded.

He told me, as a Brazilian, he could not do otherwise.

I also called on a leading Director of the Commercial Bank to ascertain how that establishment would act.

He told me the bank would go on, as usual, paying gold for its notes, and that it would not pay the 250,000 dollars demanded.

The Commercial Bank has, however, since that time accepted that portion of the Decree of the 7th instant which makes its notes legal currency, and has ceased to pay in gold, though it still professes its determination not to pay the portion of the loan allotted to it.

My impression nevertheless is that the 250,000 dollars will be paid.

I called yesterday on Señor Tomé, the Minister of Finance, to remind him that his promise was not yet kept, to pay the interest due on the Franco-English debt for November and December last, from the first sums received in January this year from the revenue derived from "stamps and licenses."

He told me a sufficient amount had not yet been collected for the purpose, but that I might be sure it would not be diverted from its destination.

I inquired of him why the amount due could not be paid from the 250,000 dollars received on Monday the 9th instant from Maná and Co.

He told me that money was already spent.

This conversation took place on the 12th instant. Thus, these 250 000 dollars have disappeared in seventy-two hours.

Inclosure in No. 64.

Señor de las Carreras to Mr. Lettsom.

(Translation.)

Monte Video, January 9, 1865.

ANTONIO DE LAS CARRERAS, Minister for Foreign Affairs, has the honour to salute W. G. Lettsom, Esquire, Her Britannic Majesty's Chargé d'Affaires, and, in compliance with orders of the President of the Republic, solicits of Mr. Lettsom that, in anticipation of any disturbance that may take place to-day at the Maná and Commercial Banks, he will be pleased to concert with the Diplomatic Agents of France, Italy, and Spain to procure the landing of some collective force from the naval stations, which may guard the above-mentioned banks from the time of their opening, which is at 9 o'clock in the morning. In view of the urgency of the case, Mr. Lettsom will understand that not a moment is to be lost in taking the resolution that is solicited.

No. 65.

Mr. Lettsom to Earl Russell.—(Received February 20.)

(Extract.)

Monte Video, January 14, 1865.

I HAVE the honour to forward to your Lordship herewith two printed copies of a note dated the 11th instant, addressed by Dr. de las Carreras to Signor Barbolani, as Senior Member of the Diplomatic Body.

In the concluding paragraph Dr. de las Carreras asks the Diplomatic Body "to give a clear and definite answer on the question as to the repetition in Monte Video of the acts carried out at Paysandu, in order that that answer being made known to all, both citizens and foreigners, every one may be made aware what he may and must expect in the course of the development of events."

At a meeting of the Diplomatic Body held yesterday, it was agreed that we should not, by any reply we might give, bind ourselves beforehand to any course of conduct whatever, and that prior to giving any answer to the note of Dr. Carreras, Signor Barbolani should wait on his Excellency to ascertain what the intentions of his Government are as to the nature and extent of the resistance which it is purposed to offer to an attack made simultaneously by the Brazilians by sea and land in combination with General Flores.

The force of the Brazilians by sea will be, it is expected, so overwhelming, to say nothing of the combined forces acting by land, that an effective resistance appears to be out of the question.

As soon as Signor Barbolani spoke to Dr. de las Carreras, suggesting the propriety of observing moderation on the part of the Government, his Excellency declared the resolution of the Government is to push matters to the last extremity, and, as a final resource, to set fire to the town.

To-morrow, Sunday, as soon as the French mail has left, a meeting of my colleagues is to be held, at which the verbal statement of Dr. de las Carreras to Signor Barbolani is to be taken into consideration.

In another paragraph of Dr. de las Carreras' note, his Excellency states that "England and France, who engaged their faith for the maintenance of the independence of this Republic, . . . cannot agree to the extent which the Empire of Brazil gives to its acts."

As I understand the matter, no such pledge has ever been given by Her Majesty's Government.

Inclosure in No. 65.

Señor de las Carreras to Signor Barbolani.

(Translation.)

Department of Foreign Affairs,

Signor Minister,

Monte Video, January 11, 1865.

I HAD the honour to address to your Excellency on the 13th ultimo a circular note, requesting from the Diplomatic Corps resident in the Republic a declaration relative to the attitude which would be observed by the foreign naval forces in the case that the naval forces of Brazil should repeat against the city of Monte Video the barbarous and unjustifiable acts perpetrated against the city of Paysandú.

Your Excellency was pleased to tell me verbally in your own name and that of your

colleagues that, considering a declaration on this subject to be premature, you wished at that time to abstain from making any in writing.

Although the Government has reason to hope that the Diplomatic Body will not consent to a bombardment of Monte Video, or to an attack of the city by sea, it believes that in anticipation of the events which may occur, and of the probable questions that they may give rise to, it is enabled to suggest to the honourable members of that Body certain considerations or appreciations of the facts which may supervene, examining them in the light of law and established usages, which have been more than once recognized and appealed to by the Government of Brazil in like circumstances. It will thus fulfil a duty, and liberate itself from the responsibility which silence would entail upon it in the face of impartial opinion, and in view of the interests attached to the political existence of the country.

To appreciate the acts of the Empire by the situation which the ultimatum of Councillor Saraiva, its Envoy Extraordinary, has brought on, it is indispensable to take his declarations for a basis which are contained in that document already known to your Excellency, together with that of the Chief of the naval forces of Brazil made in the circular which he sent to the Diplomatic Body on the 11th of October last.

In view of those declarations, and in presence of the barbarous and unprecedented acts perpetrated against the city of Paysandú, its garrison and its inhabitants—acts which are unwarranted even in a just and duly-proclaimed war—it is undoubted that the conduct of the Empire, perfidious and treacherous towards the Government of the Republic, was even worse, if possible, towards the honourable Diplomatic Body resident therein, and consequently towards the Governments which they represent. The contradiction between words and acts is flagrant. Impartial opinion can pronounce only one judgment, which is, the most entire reprobation of such conduct.

In the pass to which events have proceeded, it is in the interest of justice, of morality, and of expediency in regard to the relations maintained by Europe with these countries, to determine the character of the acts which the Empire of Brazil is exhibiting in the Republic, in order to establish the duties and the rights derived from them. For this purpose allow me to record here in the following transcript that declaration of the ultimatum which is the point of departure of the present events, to demonstrate their injustice, their arbitrary nature, and the barbarism which they involve.

“Reprisals and precautions for the safety of my fellow-citizens,” says Councillor Saraiva, “are not, as your Excellency is aware, *acts of war*; and I hope the Government of this Republic will refrain from increasing the gravity of those measures, and keep clear of deplorable events the responsibility of which will attach exclusively to its Government.”

Baron de Tamandaré also expressed in his circular above mentioned that he was preparing to make reprisals on the sea, in pursuance of instructions received from Councillor Saraiva, whilst the Imperial army would pass the frontier to do the same on the land territory.

Those declarations determine the legal position of things, as established by the Empire of Brazil itself, and they point out the rights which, in its view, appertain to interests unconnected with the questions pending. The acts which, in virtue of this state of things, the Imperial forces may perform ought not to have gone beyond mere reprisals. Can bombardment—can the assault of mercantile positions be designated as reprisals?

It would be an offence to your Excellency's intelligence and to that of your honourable colleagues if I should stop to demonstrate the turpitude of such a designation, but, however astonishing it may appear, it is the truth that under this designation the Baron Tamandaré has committed the most barbarous acts, which could not be tolerated in a just and previously-proclaimed war, descending to such unworthy acts as availing himself of a truce and violating it to take by surprise the city of Paysandú, defended by a handful of valiant citizens against a powerful army. Your Excellency knows how greatly civilised nations respect the vanquished brave, and the lives of men who have committed no infamous action, and your Excellency knows what was the end of the generous and brave General Don Leandro Gomez. Such is the glory attained by the Imperial forces, and by the traitors who co-operate in its odious work!!

It was solely by deceiving the Diplomatic Body, and by a mockery of the observations which were made on the occasion by the commanders of the foreign ships of war who witnessed those hostilities, that Tamandaré was able to bombard with impunity a beautiful trading city, with no other fortifications than improvised trenches demolished by the slightest push, but for whose capture, defended by a small number, the Empire required an auxiliary greater than its soldiers—the large and numerous artillery which were wanting to its defenders, the innumerable bombs which might be thrown in security, destroying innocent lives and annihilating valuable inoffensive property.

As the Empire rules over the north of Rio Negro, a vast extent of territory whose acquisition is the sole motive for its perfidious policy, it would seem inexplicable that it should come without a legitimate state of war to attack Monte Video, contending against the Government of the Republic with the same infamous means as in Paysandu, in spite of the declarations made by its Representatives—declarations which, in regard to the Diplomatic Body, are pledges of security which cannot be set aside without serious prejudice to the interests of their countrymen, and, perhaps I may venture to say, without deeply hazarding the relations of their Governments and the future condition of these countries.

The conflagration necessarily and inevitably will become general. The flames already extending over this Republic will, by their own violence, spread over the adjoining regions.

Brazil is the guilty party.

Faithful to a traditional policy she has marked with a perjured hand, on the map of this part of America, the territories which, from time immemorial, she has thirsted for, and she has been cunningly preparing the fuel of discord to dominate by its means and to satisfy her ambitious views; a policy which history denounces with disgrace. The effects of this conflagration will not only act upon the interests of the regular Governments of these countries; the same menace hangs over the European interests which are connected with those established here.

It is time, however, to call attention to the scandalous outrage and to stop the proceedings of a Government which has recently moved the whole of Europe because of acts of reprisal exercised against it, while, at the same time, it is violating the law of nations and international engagements entered into for cases which are identical and analogous.

To determine, then, the nature of the facts and to cause the rights of all to be respected is the duty of diplomacy, whose chief mission is to watch over the inviolability of those principles which in all cases constitute the safeguard of the unoffending interests now menaced by acts which in good law are called nothing less than piracy, being the most brutal lawlessness accompanied by the deepest contempt for laws human and divine.

Your Excellency knows that reprisals are means for obtaining reparation before proceeding to war. In disputes between Governments they are equivalent to taking possession or laying embargo in the case of individuals.

Everything beyond this is an act of war.

Reprisals, says Vattel, are employed between nation and nation for obtaining justice for themselves when it is not to be obtained in any other way. If one nation, adds that jurist, has seized upon what belongs to another, if it refuses to pay a debt, to repair an injury, or to give just satisfaction, the latter may seize upon anything belonging to the former until that which was required be done, or may retain the pledge until full satisfaction be given.

Such is the doctrine universally admitted and respected. There is no place for reprisals except in the case of an evident denial of justice; *res minime dubia*, according to the dictum of the authorities.

Your Excellency and the whole world already know that the Government of the Republic has never refused to attend to the demand of the Empire, asking only that it should be postponed to a time when it would be able to attend to it, after the termination of the war which had been so unjustly brought upon it; proposing, nevertheless, to submit the differences to the arbitration of one or more of the Powers represented by the Diplomatic Body resident here. But the Imperial Government, which had promoted that war, by exciting rebellion and aiding it with every sort of means, would not let go the opportunity which it had been lying in wait for, in the hope of obtaining, under the pressure of exceptional circumstances, undue concessions and advantages, disregarding in the most arbitrary and offensive manner the numerous claims which the Republic had upon the Empire still pending.

It came to reprisals, and your Excellency knows how they were employed. Never did justice and humanity suffer a ruder or more unprovoked blow. Never was law more scandalously violated. Never has morality been offended with more effrontery.

But the Empire does not stop at this; it is not content with having destroyed, under the pretext of reprisals, the second city of the Republic, and with having concurred in the slaughter of the principal chiefs and officers of its heroic garrison who fell into the power of the Imperial arms; it is not enough to have seized the vast territory situated north of the Rio Negro.

It moves hostilities against Monte Video, the residence of the Government of the Republic, which it seeks to overturn, in order to replace it by a government of traitors, a Government of its own making and devoted to it; and all this in violation of its own preceding declarations, without a proclamation of war, and without giving to neutral interests those delays which law, in accordance with the principles of humanity and justice, has established as a general rule for all nations.

Now, then, it is time to ask, what is the nature of those acts of the Imperial forces? Are they reprisals? How can we consider that as a reprisal which is the destruction of the party against which it is enforced? Of whom can the demanded reparation be then expected? It will be replied, of the people or of the Government formed under the influence of the conqueror. But then these acts are not reprisals; they are acts of the extremest war, performed in opposition to the former subsisting declarations; they are acts which show a tendency to dominion, against the spirit of Treaties, and which must necessarily excite alarm in all the interests which are bound up with the political existence of the Republic.

And in that case the Diplomatic Body cannot forget those declarations nor allow them to be forgotten, to the injury of the interests and of the rights over the safety of which it is their duty to keep watch.

If the hostility be not against the Government but against the people or the nation, then a new declaration is wanted, which shall necessarily lay open the fallacy of the former declarations and the perfidy with which arms have been brought against the Republic, because it is evident that the integrity of the territory is now aimed at, as also its independence, guaranteed by solemn Treaties.

If the only view is the overthrow of the Government in order to put over the country another which shall give the pretended satisfactions, its sovereignty and its independence are likewise attacked, thus preparing the work of annexation, and trenching upon the political order which time and Treaties have established in Rio de la Plata.

England and France, who have engaged their faith in the maintenance of the independence of this Republic; Spain, Portugal, Italy, and the other nations, which, like the former, have established commercial relations in those countries, with whose autonomy and stability of social order the welfare of thousands of their subjects are bound up, who have trusted to their respect for authority and to the empire of Treaties,—these nations cannot assent to the amplitude which the Empire of Brazil allows to its acts, because their own interests are prejudiced thereby, with violation of the rules of international law, the respect for which is now, as it always has been, the interest of the safety of all.

The very atrocity of the acts perpetrated against the city of Paysandú, the destruction of valuable neutral property, the losses of all kinds suffered by the peaceful and industrious population, and the protests to which those acts have given rise, impel the empire to consummate its work of material and social destruction, overthrowing the legitimate Government to replace it by another which may sacrifice nationality and make itself responsible for the damages done. This would be to make a mockery of assumed responsibility as well as loading the Republic with a new and enormous debt, which would render impossible the development of its elements of prosperity, annihilating the foundations of its wealth, facilitating conquest, and making all administration, all government impossible.

Allow me to call the attention of your Excellency and of your honourable colleagues very earnestly to this new feature of the affairs. It is undoubted that those who are injured by the acts of war demand suitable indemnification. This is just. Protests have been entered against the authors, and Brazil, the promoter of the war, the co-operator in the rebellion, and now the chief actor in the devastation, must answer for the injuries done to the victims should the cause of the Republic be victorious; but if, unfortunately, the lawful authority should fall under the blows of the empire and of the traitors, one of two results will follow: either the Oriental nationality will disappear, or else it will be constituted with a Government created by the conqueror. In the first case, that is to say if the conquest be wholly or partially consummated, there is no doubt that Brazil, being rich enough, will acknowledge the debt, because she will be more than compensated by the annexation of this important section, which will round her territory and give to her commercial and political advantages of immense value. If independence be retained, although merely in form, the country will be the debtor. How will those debts be paid? There is no other way than by taxes. Who will pay these taxes? All the inhabitants; that is to say, the industrious citizens and foreigners, the commerce and industry of the nation, the very interests which have been injured. There cannot, then, be a more frightful menace for unoffending interests. The arbitrary conduct which has produced the injury will extend it to the frontier; that is to say, the arbitrary conduct of the Empire will always press upon the inhabitants of this country, whether they be natives or foreigners.

It is thus indubitable that, to say nothing of the justice which is on the side of the Republic, the interest of the foreigners themselves who reside in it is bound up with the triumph of its independence, and enlightened Europe should aid in this triumph, in the legitimate interests of its subjects, in the interest of morality and justice, shamefully offended and newly menaced by the Empire of Brazil. The Diplomatic Body then are necessarily

bound up with this cause, which is the cause of their countrymen, the cause of commerce and industry, in which they all take an important share, the cause of civilization and of humanity struggling against the barbarism which enslaves and tortures the coloured man, and tyrannizes over the nations by a retrograde and anti-liberal administrative system.

The anticipation of such complications makes it the duty of the Government to call the attention of your Excellency and of your colleagues in time to compel a respect for the principles which constitute the security of all those who dwell in these countries, in the name of the interest which you necessarily have in sparing your countrymen more serious losses than those already resulting from a state of things brought about by ambitious views of dominion, with entire neglect of the rights of other nationalities.

In sending this communication to your Excellency by command of his Excellency the President of the Republic, I am instructed to ask for a plain and decided reply to the questions proposed relative to the acts done in Paysandú, in order to its being made known to all the inhabitants, native and foreigners, so that every one may know what he may and should expect in the course and development of events.

Having thus fulfilled the object of this note, I take, &c.

(Signed) ANTONIO DE LAS CARRERAS.

No. 66.

Earl Russell to Mr. Lettsom.

Sir,

Foreign Office, February 22, 1865.

I HAVE received and had under my consideration your despatches of the 28th and 29th of October, and of the 14th of December of last year, containing copies of correspondence between the Uruguayan Government and the Diplomatic Body at Monte Video with regard to certain vessels fitted out at Buenos Ayres in aid of the revolutionary party in Uruguay, but sailing according to circumstances either under the Argentine or the Uruguayan flag.

I have to state to you in reply, that the course pursued by you in conjunction with your diplomatic colleagues appears to have hitherto been proper, and that as far as I am able to judge, the opinion which you have formed with respect to these vessels is correct.

On the one hand, the visitation and search which the Uruguayan Government suggests should be exercised by foreign ships of war over Uruguayan vessels has been at present, with great propriety, refused by yourself and your colleagues.

On the other hand, the interests of neutral commerce afloat, and the safety of neutral subjects and their property in places accessible by ships, require that the vessels employed by a belligerent shall sail under the flag of that belligerent, and shall not by the occasional assumption of the flag of the other belligerent harass the property and endanger the safety of neutrals.

I have only to add that it is of course very important that you should continue to act in concert, so far as you are able, with your European colleagues, in all measures taken on behalf of neutral interests.

I am, &c.

(Signed) RUSSELL.

No. 67.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, February 23, 1865.

I AM directed by Earl Russell to transmit to you copies of two despatches from Her Majesty's Chargé d'Affaires at Monte Video, and of his Lordship's reply,* respecting certain vessels fitted out at Buenos Ayres in aid of the revolutionary party in Uruguay, but sailing according to circumstances, either under the Argentine or the Uruguayan flag.

I am, &c.

(Signed) E. HAMMOND.

* Nos. 52, 53, and 66.

No. 68.

Señor Berges to Earl Russell.—(Received February 23, 1865.)

(Translation.)

Foreign Department, Asuncion, December 31, 1864.

THE Undersigned, Minister in the Department of Foreign Affairs of the Republic of Paraguay, has the honour to communicate to your Excellency that owing to the neglect shown to the protest which his Government made on the 30th August last to the resident Brazilian Minister in this city, confirmed on the 3rd September, and to the consequent challenge to war by which it was answered, while the Imperial forces were occupying the territory of the Oriental Republic of Uruguay, relations were declared on the 12th November last to be broken off between this Government and that of His Majesty the Emperor of Brazil, the war brought against the Republic being accepted.

Things being thus brought by Brazil to the state of war which now exists in the Republic, which might certainly have been avoided by the Imperial Government with a more loyal policy, and by explanations such as are due to friendly nations, and particularly to that of the Undersigned, and it being certain that the Empire was strengthening its forces to the north of the frontiers of this Republic, the Government of the Undersigned had only to fulfil the duty of maintaining the principles which dictated its protest, founded on the basis of the international policy of Europe; to prevent the violation of its frontier it has already for that purpose set in motion a division of operations of the Republican army.

The Government of the Undersigned flatters itself that its disinterested policy and the efforts which it is making to maintain the balance of the States, which it cannot possibly neglect without injury to its existence and its welfare, will merit the sympathies of your Excellency's Government.

The Government of the Undersigned having been informed that the Government of Brazil is in the intention of entrapping the subjects of friendly nations in Europe to increase the forces which it is sending against this Republic, his Excellency the President has commanded the Undersigned to request your Excellency to take steps which may prevent the entrapment of Her Majesty's subjects in her dominions or abroad for the Imperial army in Brazil during the war which is carried on against Paraguay.

The Government of the Undersigned is confident that the Government of your Excellency will accede to its request, in accordance with international usages, and with the friendly relations which happily subsist between the two countries.

The Undersigned, &c.

(Signed) JOSE BERGES.

No. 69.

The Secretary to the Admiralty to Mr. Hammond.—(Received February 24.)

Sir,

Admiralty, February 23, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter dated the 19th ultimo, from Rear-Admiral the Honourable C. Elliot, and copy of its inclosures, reporting the capture of Paysandu by the Brazilian forces, and the state of affairs in the River Plate.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure 1 in No. 69.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Satellite," January 9, 1865.

I HAVE the honour to forward, for the information of the Lords Commissioners of the Admiralty, a letter from Lieutenant Johnson, of the "Doterel," reporting the capture of Paysandu by the Brazilian forces and those of General Flores, and acquainting me that the blockade is raised.

2. The fall of Paysandu leaves a strong force available to act against Monte Video, where the Government is making such preparation as it can to resist an attack. But it is not probable that without any attempt to come to terms, so weak and unpopular a

Government as it is, will have the necessary support from the people in offering resistance.

I have, &c.
(Signed) C. B. ELLIOT.

Inclosure 2 in No. 69.

Lieutenant-Commander Johnson to Rear-Admiral Elliot.

"Doterel," Paysandu, January 6, 1865.

Sir,

I HAVE the honour to inform you that the garrison of Paysandu surrendered on the morning of the 2nd instant, at 8 A.M., after defending their town against the last attack for fifty-one hours. The parts of the town which I have since visited are sacked; many of the houses in ruins from the enemy's shot and shell; others destroyed by fire, and everything in the greatest state of disorder.

There has been a heavy loss on both sides, but I am unable to give you the amount. Generals Gomez and Pives, Colonels Azambuja and Raña, are amongst the killed; the former was brutally assassinated after having delivered himself up as a prisoner. Many other officers are killed and missing.

The Brazilian Admiral has informed me that the blockade is raised, and General Flores has communicated to me that the town is open for all foreigners to return to their homes with security to life and property.

I visited the Brazilian Admiral on the evening of the 4th instant, in company with the Commander of the Spanish gun-vessel, to intercede for the lives of several officers who are prisoners in the hands of General Flores. He, as usual, promised to render every assistance in his power. He left yesterday forenoon in his flag-ship for Buenos Ayres, in company with two other gun-vessels, Commodore Pinto remaining here in command with the "Belmonte."

The boats of Her Majesty's gun-boat and the other vessels of war in the harbour have been employed for the last two days crossing the inhabitants from the island to their town.

Many of the troops have already left, and are supposed to be marching in the direction of Monte Video.

I have, &c.
(Signed) W. F. JOHNSON.

No. 70.

Earl Russell to Señor Berges.

Foreign Office, February 27, 1865.

THE Undersigned, &c., has had the honour to receive the note which M. José Berges, &c., addressed to him on the 31st of December last, requesting that steps may be taken to prevent the entrapment of Her Majesty's subjects in her dominions or abroad for the Imperial army in Brazil during the war which is carried on against Paraguay.

The Undersigned has the honour to acquaint M. Berges, in reply, that Her Majesty's Government will put in force the provisions of the Foreign Enlistment Act when cases of its infraction are brought to their notice.

The Undersigned, &c.

(Signed) RUSSELL.

No. 71.

Earl Cowley to Earl Russell.—(Received February 25.)

Paris, February 24, 1865.

(Extract.)

I HAD seen a report that Commissioners had been sent by the Government of Uruguay to Paris with reference to the hostile attitude assumed by the Government of Brazil towards that Republic, and I had intended questioning M. Drouyn de Lhuys on the first opportunity upon the subject. That opportunity did not occur until this afternoon, and I have now the honour to report to your Lordship M. Drouyn de Lhuys' statement to me.

A few days ago his Excellency received a letter from Señor Juanico, informing him that he had arrived in France upon a Mission from the Government of Uruguay, and asking

to be received as early as possible, as it was his desire to return home by the packet of the 24th instant. Accordingly, M. Drouyn de Lhuys received this gentleman the day before yesterday, when he asked for the intervention of France to prevent the conquest of Uruguay and its annexation to the Empire of Brazil, with both which eventualities he considered the Republic to be menaced. He said that it was the interest of France to prevent the accomplishment of these events, both on commercial and political grounds—commercial, because the Tariff of Uruguay was much more liberal than that of Brazil; the navigation of her rivers was free, while that of the rivers of Brazil was taxed, and, if conquered, Uruguay must submit to the laws of Brazil; political, because every facility was given to the establishment of foreigners in Uruguay, while it was all but forbidden in Brazil, and because the indemnities for the war which would no doubt be imposed on Uruguay would be her ruin,

M. Drouyn de Lhuys observed that all this might be true, but how was France to prevent it? She might and did regret this state of things. She had no wish to see the Republic of Uruguay annexed to the Brazilian Empire. She had done all in her power by the counsels which she had given at Rio Janeiro to prevent the commencement of hostilities, but she could not dispute the right of the Government of Brazil to make war, even if she considered the motives insufficient. He had received the most positive assurances from the Brazilian Government that there was no intention of conquest on their part, and that they only took up arms for the redress of certain grievances. How under these circumstances could the Government of France interfere.

Señor Juanico replied that the grievances complained of by Brazil were a pretext, and he suggested that France might insist on an arbitration of them.

M. Drouyn de Lhuys rejoined that France could not impose an arbitration, nor could she act alone in this matter; he would not stir without the participation of England, and he had reason to believe that Her Majesty's Government viewed this matter very much in the same light as himself.

Señor Juanico then withdrew, and M. Drouyn de Lhuys has since heard that he has prolonged his stay in this capital on account of indisposition.

M. Drouyn de Lhuys terminated the conversation by saying that he would instruct the Prince de la Tour d'Auvergne to inform your Lordship of what had passed with Señor Juanico, and to express his readiness to recommend, in concert with Her Majesty's Government and any other Government interested in the matter, more pacific views to the Brazilian Government.

No. 72.

Señor Juanico to Mr. Layard.

(Translation.)
Sir,

*Grand Hotel Espagnol, Boulevard Montmartre, No. 10,
Paris, February 27, 1865.*

I HAVE just learnt, from reading an extract of the sittings of Parliament in London, the question put to you by Mr. Maguire relative to the political affairs of Uruguay.

As in the report of your reply it is stated that the British Government has not been informed that the Mission which the Oriental Government has entrusted to me is addressed to Great Britain, I hasten to inform you that as the Mission is directed to objects common to England and France, the Government of the Republic has been pleased to accredit me at the same time to the Governments of both countries, and that it is owing simply to the accidental circumstance that I left for Europe on one of the French steamers that I arrived first at this city.

As soon as I am permitted by the state of my health, which has been much impaired by the change of climate, I shall proceed to London, in accordance with the orders of my Government.

I will request you to be pleased to make known the contents of this note to the Right Honourable Minister for Foreign Affairs, accepting, &c.

NOTED BY THE SECRETARY (10.11.65)

(Signed)

CANDIDO JUANICO.

No. 73.

Mr. Layard to Señor Juanico.

Sir,

Foreign Office, March 1, 1865.

I HAVE the honour to acknowledge the receipt of your note of the 27th ultimo, stating that the Government of Uruguay has been pleased to accredit you to the Government of Her Majesty, as well as to the Government of the Emperor of the French; and I have the honour to inform you that I have laid the same before Earl Russell.

I have, &c.

(Signed) A. H. LAYARD.

No. 74.

Earl Russell to Earl Cowley.

(Extract.)

Foreign Office, March 4, 1865.

THE French Ambassador has read to me a despatch concerning the representations made to M. Drouyn de Lhuys by Señor Juanico, the Agent of the Republic of Uruguay.

Señor Juanico asked the assistance of the Government of the Emperor of the French against Brazil. The French Minister's reply was in substance that the Minister of France at Rio had received positive assurance from the Brazilian Government that Brazil would respect the independence of Uruguay, and only required reparation for the wrongs inflicted on Brazil by the Government of Monte Video.

That the French Government being thus re-assured was not disposed to interfere, and at all events would not do so without the co-operation of England, and that the British Government had no intention to interfere.

Your Excellency will inform M. Drouyn de Lhuys that he has rightly interpreted the intentions of the British Government.

You will at the same time communicate to him Sir C. Hotham's Treaties, and say that the British Government expect those Treaties to be observed by any Power which may command the navigation of the rivers.

The British and French Representatives and Admirals will no doubt exert their friendly influence to prevent wanton injury to the persons and property of foreigners by the forces of the contending Powers.

No. 75.

Mr. Thornton to Earl Russell.—(Received March 7.)

My Lord,

Buenos Ayres, January 23, 1865.

WITH reference to your Lordship's despatch of the 7th ultimo, I took an opportunity of acquainting both the President and Señor Elizalde how entirely Her Majesty's Government approved of the views of the Argentine Government, with respect to the pacific policy which it is expedient for them to pursue during the existing difficulties between Monte Video, Paraguay, and Brazil. Their Excellencies expressed great satisfaction at the information I gave them, and I understand that the President, in speaking with his friends, has not concealed the pleasure he feels at enjoying the good opinion of Her Majesty's Government.

His Excellency said that he hoped your Lordship would be gratified to learn, that in spite of persevering attempts to force them into a different course, the Argentine Government had been able to maintain the same policy till now, when he hoped the danger was almost over.

I have, &c.

(Signed) EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received March 7.)

My Lord,

Buenos Ayres, January 24, 1865.

AN expedition of about 4,000 Paraguayans, who were conveyed in four steamers and three or four sailing vessels, left Assumption on the 14th ultimo, and proceeded up the River Paraguay. This force made its first halt at the small Brazilian Fort of Coimbra, on the right bank of the Paraguay, in about 20° south latitude. The fort was garrisoned by about 150 men, as far as I can learn, and mounted thirty-seven guns. There were also two small Brazilian war-steamers lying under its guns. On the 27th, the Commander of the Paraguayan expedition, Colonel Barrios, summoned the fort to surrender, and the summons not having been acceded to, bombarded it during the 27th and 28th; on the afternoon of the latter day, an assault was attempted, but though the Paraguayan soldiers seem to have shown considerable courage, they were repulsed with loss. During the night the Brazilian garrison evacuated the fort and escaped in their two steamers. They left behind them the guns unspiked and a quantity of ammunition. The Paraguayans, though they had fast steamers, did not pursue them, but took possession of the fort.

On the 1st instant, the Paraguayan expedition proceeded to Albuquerque, which they found abandoned, both by the garrison and inhabitants. They then continued their course by the river towards the town of Corumbá, which was also abandoned by its garrison and inhabitants. The Paraguayans took possession of it on the 4th instant, and found there twenty-three brass guns and a quantity of ammunition.

Colonel Barrios having learnt that two Brazilian steamers, the same that conveyed away the garrison from Coimbra, had left Corumbá the day before with troops, sent a couple of steamers after them. One of the Brazilian steamers was overtaken, boarded, and captured; most of those who were in her threw themselves into the water and were drowned.

It is believed that the Paraguayan expedition will move on at once to Cuyabá, the capital of the Province of Matto Grosso, which will probably meet the same fate as Coimbra and Corumbá, for it seems that there are hardly 2,000 Brazilian troops in the whole province.

I have, &c.

(Signed)

EDWD. THORNTON.

No. 77.

Mr. Thornton to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 25, 1865.

I HAVE the honour to transmit herewith to your Lordship copy and translation of a note addressed to me by M. Paranhos, Brazilian Minister on a special Mission to this Republic. It contains a history of the circumstances and reasons which have brought about the existing state of relations between Brazil and the Republic of the Uruguay; but perhaps the most important point is the declaration that Brazil has no intention of making any attempt against the independence of the Republic of the Uruguay.

I have merely acknowledged the receipt of M. Paranhos' note, and stated that I would send a copy of it to Her Majesty's Legation at Monte Video, according to his wish, and also to your Lordship.

I also inclose copy and translation of a note which M. Paranhos addressed on the same date to Señor Elizalde, and of the answer of the latter. This note of M. Paranhos contains a still stronger declaration, that whatever may be the result of the present hostilities, the independence and the sovereignty of the Republic of the Uruguay shall not be prejudiced.

Señor Elizalde in his answer, expresses his regret that the Argentine Government have not been able to bring about an arrangement of the existing difficulties, and states that they are disposed to avail themselves of every opportunity which may offer, to enable them to realize their ardent desire with probable success.

Since M. Paranhos' arrival here, I have been in constant communication with him, and have endeavoured to persuade him of the expediency of avoiding, if possible, the necessity of making an attack upon Monte Video by coming to an arrangement with the Monte Videan Government. It is fair to say that M. Paranhos has always listened to my arguments with attention and apparent interest, and has said that he would be very glad to

listen to any proposal that may be made to him. It could hardly be expected in the strong position which his countrymen now hold, that he would make any advances. At the same time I have always observed in M. Paranhos a strong desire, and a conviction of the necessity, that the Brazilian army should make, if not an attack, at least a demonstration before Monte Video, so that, as he says, the people of that town may be convinced of their strength, and his countrymen may gain prestige for the war they are about to undertake against Paraguay.

I have also had frequent interviews with the President, and have urged him to use his influence to bring about an amicable arrangement between the conflicting parties. Finding, after several conversations, that his Excellency would be willing to accept the office of mediator if it were offered to him, I wrote on the 19th instant a private letter to Mr. Lettsom, begging him to endeavour to persuade the Monte Videan Government to ask President Mitre to mediate. At the same time I induced my colleagues here to write in the same sense to theirs at Monte Video. In consequence of this step Mr. Lettsom and the Diplomatic Body at Monte Video, as well as Admiral Elliot and the French Admiral, made the most strenuous efforts to bring the Monte Videan Government to have recourse to this expedient; but, as Mr. Lettsom will no doubt have informed your Lordship, their representations had no effect.

I have reason to believe that the Brazilian Admiral, who is now here, will proceed without delay to Monte Video, near which place the Brazilian army and General Flores' followers will now be assembled. His first care will be to have an interview with the Commanders of the neutral naval stations off that port, and to concert with them the number of days which shall be allowed to neutral vessels to leave the port. The Brazilian Admiral stated to me his intention, if it should not be objected to by his neutral colleagues, of allowing eight days for this purpose, but added that he would not prevent vessels from discharging or loading outside of the port. After this it is said that the Brazilian forces and those of General Flores will summon the town to surrender, giving three days for an answer.

General Mitre has promised me more than once that if this be the case and time be allowed, he will, after the intimation has been delivered, offer his mediation to Señor Aguirre, and throw upon him the responsibility and odium of refusing it. His Excellency does not think, and I am of the same opinion, that until the danger be imminent the Monte Videan Government will accept any mediation whatever.

Admiral Tamandaré assured me some days ago that he should sail for Monte Video on the 23rd instant. He is, however, still here.

P.S. January 26.—Admiral Tamandaré has at length sailed for Monte Video this morning on board his flag-ship the corvette "Nitheroy."

Inclosure 1 in No. 77.

Senhor Paranhos to Mr. Thornton.

(Translation.)

Buenos Ayres, January 19, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, accredited on a special Mission to the Argentine Republic, has the honour to address himself to his Excellency Mr. Thornton, Her Britannic Majesty's Minister Plenipotentiary, to point out to him, in the name and by order of the Imperial Government, the actual position of Brazil in respect to the Monte Videan Government.

As your Excellency is aware, a numerous Brazilian population inhabits the country of the Oriental State of the Uruguay, where it exercises the industry of sheep farming and maintains a mutual commerce with the Province of San Pedro do Sul, Brazilian territory bordering on the frontier. These peaceable and industrious inhabitants were victims of the most cruel persecution during that long period when the famous defence of Monte Video lasted, sustained against General Oribe and his ally, Governor Rosas.

The Republic of the Uruguay, being freed from the hand of iron which weighed upon her during so many years, and this happy event being brought about by the mediation of the generous aid of Brazil, it was to be hoped that the Brazilians would meet in the Banda Oriental, if not with such a reception as the good-will of its people gives to all foreigners, at least with that legal protection which could not be refused to them; so the Brazilian Government believed, and in this confidence reposed during a long time, until a fresh series of unpunished illegal acts convinced it to the contrary, showing a hostile design on the part of the authorities themselves towards the Brazilians.

The Government of His Imperial Majesty the Emperor does not impute to the authorities of the Republic the responsibility of all the crimes perpetrated in these last years against the Brazilians in the Oriental country (which would be absurd), but it has the most serious foundations for complaining and reclaiming energetically, in respect to crimes in which the agents of the public force appear guilty, either as the authors or accomplices, or on account of most suspicious negligence. These acts from their succession and gravity constitute a state of alarm to the Brazilian population on both sides of the frontier, and assume a character even more hostile, when combined with acts of the supreme Government of the Republic, which appear to have been dictated from the same feeling of hostility to the Brazilian proprietors.

The Brazilian subjects in the Oriental State being placed in this situation, and the civil war breaking out afresh on the Oriental soil, a calamity which has lasted nearly two years, they from fear, possessed with the idea of a systematic persecution on the part of the authorities who should protect them, deviated from the pacific line of conduct which the Imperial Government traced for them, and lent their aid to the revolution.

The Government of His Majesty endeavoured to prevent this deviation from their neutrality, which although it was owing to a prejudice, unhappily too well founded, would be in its eyes a grave and undeniable fault.

The efforts of the Imperial Government were sufficient to prevent the great majority of the Brazilian residents from taking part in the internal question of the Oriental society either directly or indirectly, and to which they were and should be strangers.

Proceeding thus, it was the right and the duty of the Imperial Government at the same time to insist that measures should be taken by the Government of the Republic, which should tranquillize the Brazilians domiciled in the Oriental State, repairing damages already suffered, and giving them guarantees of security for the future.

The Diplomatic Mission confided to the consummate skill of the Councillor José Antonio Saraiva had for object the double idea of maintaining the neutrality of Brazil in the civil contest of the Republic, and of obtaining justice and guarantees for Brazilian subjects, naturally excited and very resentful from continued and great sufferings.

Unhappily this mission of peace, badly received from its commencement by the Government of Monte Video, found all its efforts of no avail.

The Brazilian claims were rejected with an irritating accusation; and the joint mediation of the Representatives of Brazil, England, and the Argentine Republic, directed towards the re-establishment of the internal peace of the Republic, met with no better end. Nevertheless, it was obvious that the cessation of the civil war would have calmed all minds and given place to a friendly adjustment of the differences of the Oriental Government with those of Brazil and the Argentine Republic—Governments neighbours of and guarantors for the independence and integrity of that intermediate State.

The Government of Monte Video, possessed with the most deplorable oversight of its own interests, disregarded all the counsels of reason, not leaving to the Imperial Government any other honourable course but that of force, to save its dignity and secure protection to Brazilian subjects for the present and the future.

This extreme but determined resolution was announced to that Government, who received it with the same obstinacy, and wrongly interpreting the repugnance with which Brazil adopted coercive measures, provoked her to proceed with greater energy, and in fact dragged on the conflict to the gravest consequences.

Attributing designs which do not exist, and which cannot exist, on the part of Brazil against the independence of the Republic of the Uruguay, it excited old and vulgar prejudices against the Empire; allied itself with the Government of Paraguay, and managed, in the interest of their exalted passions, to inflame the spirit of discord in the Argentine family. Its delirium arrived at such a point as to scandalize the civilization of our age with unheard-of scenes of an "auto da fé," at which were condemned the autographs of existing Treaties between the Empire and the Republic.

Brazil, as Mr. Thornton well understands, cannot leave off from prosecuting the war into which the Government of Monte Video has forced it, nor maintain its policy of neutrality with regard to the internal conflict of the Republic. This neutrality is made incompatible, not only on account of the object which the Government of His Imperial Majesty had proposed in its just claims, but also for the security of the empire, threatened now by two enemies who have allied themselves to wound it in its dignity and disavow its rights.

Meanwhile the Imperial Government remains at war with the Government of Monte Video, and has determined to contribute both with its arms and with its counsels to the internal pacification of the Republic, proceeding in union with General Flores, whom it considers as a legitimate belligerent, and believes to be possessed with the noblest devotion

for his country. The Government of His Majesty hopes that in this conjuncture, as in others analogous, it will be able to carry out its legitimate and benevolent task in such a manner as to merit the sympathy of all friendly Governments—an object which it always has in view in the most important acts of its internal and external life.

The Undersigned, &c.

(Signed)

JOSE MARIA DA SILVA PARANHOS.

Inclosure 2 in No. 77.

Senhor Paranhos to Señor Elizalde.

Special Mission of Brazil,

Buenos Ayres, January 19, 1865.

(Translation.)

THE Undersigned, &c., has the honour to solicit the serious and kind attention of his Excellency Don Rufino de Elizalde, &c., &c., to the communication he is about to make in the name and by the order of the Imperial Government.

The Argentine Government well knows, in its causes and origin, the conflict which has arisen between the Government of Brazil and that of Monte Video, as well as the internal dissensions which, for nearly two years, have injured the Oriental society, prejudicing the legitimate interests of all neutrals, and particularly that of the Empire on account of its immediate neighbourhood.

The claims which the Imperial Government presented to that of Monte Video, as Señor Elizalde knows, treated of notorious facts, so serious, so often repeated, and in such a manner bound up with each other, as not only to justify the last appeal to the reason and justice of the Oriental Government, but likewise to give proof of the forbearance which the Imperial Government uses in view of such injuries received even after its generous alliance of 1852.

It would be a long and superfluous task to recount here all the acts of violence and flagrant injustice practised upon the persons and property of Brazilian subjects residing in the Oriental State, from the epoch to which the Undersigned confines himself, omitting the picture, even more sad, of the sufferings which took place during the military rule of General Oribe.

The injuries of which the Imperial Government complains are not ordinary crimes, against which the police of the Republic might in every way be impotent. The question originated in a succession of acts, and a coincidence of circumstances, which give the character of intentional and systematic hostility to the injuries committed against pacific Brazilian residents. It complains of crimes in which the very agents of public authority appear compromised as principals or accomplices, in crimes that, by a notable coincidence, have been reproduced when the sentiments of a past, which, in the interests of both countries should have been wholly and for ever forgotten, predominate in the Government of the Republic.

The Imperial Government and its Legation in Monte Video were constantly protesting and complaining against such abuses, but, always animated with the most benevolent sentiments, confided in the assurances given to it, often endeavouring to overlook, against the evidence of its own eyesight, the flagrant antithesis of the facts with the solemn promises of the Oriental Government. Such moderation and good feeling may have had the effect of involuntarily exciting the evil which it was intended to avoid, but the Imperial Government did not wish to depart from its pacific and friendly intention, hoping from time, and the spontaneous action of the Oriental Government, the cessation of a state of things which was prejudicial to both countries, and whose serious consequences could not but be confidently foreseen.

Unfortunately, notwithstanding, experience came to show that the prudence and good intentions of the Imperial Government were not responded to, nor even rightly interpreted. Far from attending to the repeated notices and protests which were addressed to it in so friendly a way, the Oriental Government began to prepare to legitimize the proceedings of their criminal agents, by a counter-charge against Brazil, which, even when founded upon facts wholly truthful and proven, could not take the political character which is revealed in the wrongs of which the Brazilian subjects in the Oriental country have been victims.

This affirmation, Sir, is not groundless; the absence of all hostile sentiment on the part of Brazil towards the Republic of the Uruguay, and the sincere desire of the Government of His Majesty to reprove and chastise, within the limits of his sovereignty and jurisdiction, any offence whatever against Oriental citizens, without distinction of class or

party, is a fact to be incontestably deduced from the most significative acts. In proof of it may be mentioned the services which the Republic received from the Empire during the period to which the Undersigned refers; the decisive orders given to the local authorities with reference to each of the acts made known by the Oriental claimants; finally, the initiative or friendly acceptation of various diplomatic arrangements tending to prevent the conflicts natural to countries such near neighbours, and so intimately connected, as are Brazil and the Oriental State.

All, notwithstanding, was useless; the situation of the Brazilians residing in the country parts of the Oriental State became every day more afflicting, and, as was natural, as the civil war again broke out in that State, it became worse. With the danger of this conjuncture, resentment for all past injuries was revived in them; some sympathized with the course of the revolution, and on the frontiers of the Province of San Pedro de Rio Grande do Sul the vibration of the commotion, through which the Republic was passing, was felt.

Notwithstanding the hostile spirit to Brazil, which appeared to predominate in the policy of the Government of the Republic, and the sympathies for this reason which were shown by the resident Brazilians in favour of the revolution, the Government of His Majesty did not clandestinely bring about this state of things; but, on the contrary, endeavoured to repress it, and maintained itself perfectly neutral in the internal struggle of the Oriental parties.

The Extraordinary Mission confided to the care and ability of the Counsellor José Antonio Saraiva had for its principal object this double idea—to assure the neutrality of the Empire, and to guarantee the lives and property of Brazilian subjects, the only means of putting an end to its doubts, and of calming its feelings of natural resentment.

It would have been easy to have attained the proposed result, if the Government of Monte Video had so desired. Notwithstanding, Señor Elizalde knows how that Government received the pacific mission sent by Brazil, and his Excellency can likewise bear testimony that, by the efforts of the Brazilian Envoy, so generously seconded by the Argentine Government, in concert with the Representative of Her Britannic Majesty in this capital, the internal peace of the Oriental Republic, and the friendly arrangement which Brazil sought, could have been made, if the Government of Monte Video had not been the first to refuse to recognize the gravity of the situation, and the imprudence of its insolent denials to Brazil.

Pacific means being exhausted nothing remained to the Imperial Government but to have recourse to force of arms. The Government of His Majesty thus declared frankly to that of Monte Video in its ultimatum of the 4th of last August, and to give a longer time for the reflection of that Government, it limited itself in the beginning to reprisals, measures the least coercive which the practice of civilized nations authorizes.

Meanwhile the Government of Monte Video treated these proceedings with derision, and new provocations against Brazil, procuring against it and against the Argentine Government alliances and assistance from all parts; plans, Sir, which are to-day manifest to every one, they having been evinced in acts of the most direct hostility to Brazil on the part of the Republic of Paraguay.

History and the rights of nations teach us that, when international contentions reach the emergency of an ultimatum, and this is followed by the breaking off of diplomatic relations and the reciprocal employment of reprisals, the immediate consequence, foreseen and inevitable, is war.

The state in which Brazil was with the Oriental Republic, in this sense, was that of war, in its legal effects, although attenuated by the extreme moderation of the Imperial Government, which only after being obliged by the proceedings, every time more aggravating, of the offending party, had recourse to measures of greater rigour, as the blockade of the ports of Salto and Paysandu, upon the coast of the Uruguay, and the attack upon this latter place, known as the centre of the hostilities which were being concocted against the Empire.

The Government of Monte Video pretended to ignore the nature and extent of their own acts, but scarcely had they seen their alliance with the Government of Paraguay realized when they gave themselves up to the most frantic enthusiasm, launching from the press the most offensive diatribes, closing its ports to the peaceful commerce of both countries, and offering to modern civilization that revolting spectacle of the burning of the existing Treaties between the Empire and the Republic.

In presence of these acts and circumstances which the Undersigned has just recorded, the state of war between Brazil and the Government of Monte Video is not certainly a new or unforeseen fact, whose supervention required new manifestations on the part of the Imperial Government to that of the Argentine Republic, in whose enlightenment and

friendship it reposes so much confidence. The object of this communication, Sir, is to define the new position which events have created for the Imperial Government relative to the internal struggles of the Oriental Republic.

The Government of His Majesty, as the Undersigned has already observed, withholding its judgment upon the causes which originated a new civil war in that neighbouring State, and becoming apprehensive that the series of wrongs perpetrated with impunity upon resident Brazilians could not but require it, had prescribed for itself the most careful neutrality between General Flores and the Government of Monte Video. It did not proceed thus because it was indifferent to the pacification of the Republic, but for the faithful compliance with the maxims of its foreign policy, which only admits of intervention in rare and exceptional cases.

To-day, notwithstanding, that neutrality is incompatible with the security and essential interests of Brazil, and has ceased *de facto*, as doubtless the Argentine Government has noticed, from the moment of the events which took place before Paysandu, where the arms of Brazil naturally found themselves allied to the Oriental army under the command of General Flores.

The Imperial Government now has the right and holds it to be its duty not to limit itself to the simple reparation of its own injuries in the armed struggle, to which the Monte Videan Government provokes it. Not only humanity but its own security requires that it shall contribute at the same time to the re-establishment of peace in the Republic. The Imperial Government will fulfil this double mission, acting in concert with General Flores, whom it recognizes as a legitimate belligerent, and nobly devoted to the most sacred interests of his country.

Such is the result of its deliberations which the Imperial Government judges convenient to make known officially to the Argentine Government, rendering in this manner its homage of respect to existing compacts, and to the sentiments of reciprocal confidence and esteem which it has met on the part of the same Argentine Government.

The Undersigned, &c.

(Signed)

JOSE MARIA DA SILVA PARANHOS.

Inclosure 3 in No. 77.

Señor Elizalde to Senhor Paranhos.

Ministry of Foreign Relations,

Buenos Ayres, January 20, 1865.

(Translation.)

THE Undersigned, &c., has the honour of replying to the note of the 19th instant of His Excellency Senhor Counsellor Dr. Don José Maria da Silva Paranhos, &c.

Since the Government of His Majesty the Emperor of Brazil deigns to make to the Argentine Government the most sincere and solemn declarations upon its policy in the conflict which has unfortunately arisen with the Government of Monte Video that insure the faithful observance of the Treaties with the Argentine Republic, that guarantee the sovereignty and independence of the Oriental Republic of the Uruguay, it only remains for him to fulfil the duties of the strictest neutrality which have been imposed on him in the present circumstances, for high considerations, superior to the just causes which might authorize the abandonment of its policy of neutrality.

But his Excellency the President of the Republic understood that, even within the limits of that neutrality, and notwithstanding the exceptional position in which unjustifiable acts of the Monte Videan Government had placed him, the greatest interests of the nations of the River Plate and of all neutrals imposed upon him the duty of not losing the opportunity to do as much as in him laid to bring to a friendly solution the questions which would entail immense injuries if discussed by means of arms. He therefore sought a mode of arrangement which unfortunately he was unable to conclude, seeing that his most legitimate hopes and most energetic efforts were useless.

From that time a situation has arisen which has hindered him in making efforts to prevent the calamities of a war which he heartily desires to see concluded.

Disposed, notwithstanding, to take advantage of every occasion which offers to endeavour to realise its most ardent desires of a favourable issue, it has to thank his Excellency Senhor Paranhos for the communication which he has been so kind as to send to the Undersigned, and to express the confidence which the Argentine Government feels in the just and elevated policy of the Government of His Majesty the Emperor of Brazil, that whatever way the course of the conflict in which it is engaged with the Government of Monte Video and the results of the war which has arisen may take, the independence

and sovereignty of the Oriental Republic, guaranteed by Treaties and solemn declarations, shall suffer no detriment, which it is very satisfactory to see repeated in such an express and categorical manner in the note to which the Undersigned replies.

The Argentine Government, with the most ardent wishes for the conclusion of the conflict which causes so many evils in a manner which may cause the occurrence of the fewest possible, fulfils the agreeable duty, &c.

(Signed)

RUFINO DE ELIZALDE.

No. 78.

Mr. Thornton to Earl Russell.—(Received March 7.)

My Lord,

Buenos Ayres, January 25, 1865.

IN my despatch of the 26th ultimo I had the honour to state to your Lordship that I had been informed of the intention of the Paraguayan Government to send an army of 15,000 men or thereabouts into the Brazilian Province of Rio Grande. I have not been able to obtain any confirmation of this news; on the contrary, Señor Elizalde has lately informed me that the Paraguayan Government have indirectly given the Argentine Government to understand that they have no desire to commit any unfriendly act towards the Argentine Republic, to which General Mitre has, in the same indirect manner, replied that the Argentine Government are anxious to preserve good relations with Paraguay, and hope that the authorities of the latter will give them no provocation. From this it may be presumed that no violation of Argentine territory will be committed, and without this it would be difficult, though not impossible, for the Paraguayan Government to send an army into the Province of Rio Grande.

There is no doubt, however, that the Paraguayan troops are in force on the left bank of the Parana, in that part of the territory of Misiones which they have long occupied, and which is claimed to be Paraguayan. But they cannot go thence by land either to the Province of Rio Grande or to the Republic of the Uruguay without passing through Argentine territory. Señor Elizalde told me yesterday that the President of Paraguay had written a private letter to General Urquiza, asking him whether he thought the Argentine Government would allow the Paraguayan forces to march through their territory. This letter was forwarded to President Mitre, who replied that the same request had been made to the Argentine Government by the Brazilians, and that if permission were given to one it could not be refused to the other, in which case the Paraguayans would probably be the greater sufferers of the two.

I have, &c.

(Signed)

EDWD. THORNTON.

No. 79.

Mr. Thornton to Earl Russell.—(Received March 7.)

My Lord,

Buenos Ayres, January 27, 1865.

I HAVE the honour to transmit herewith, for your Lordship's information, copy and translation of a note which I have just received from M. Paranhos, containing a history of the late and present relations between Brazil and Paraguay. I entirely agree with M. Paranhos in thinking that the war now being waged against his country by that Republic was unprovoked and is unjustifiable. I have more than once communicated this opinion to Señor Berges, Paraguayan Minister for Foreign Affairs.

I have, &c.

(Signed)

EDWD. THORNTON.

Inclosure in No. 79.

Senhor Paranhos to Mr. Thornton.

(Translation.)

Buenos Ayres, January 26, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, accredited on a special mission to the Argentine Republic, has

received orders to address the following manifesto to his Excellency Mr. Edward Thornton, Her Britannic Majesty's Minister Plenipotentiary.

The Government of the Republic of Paraguay, taking advantage of the good faith and moderation of Brazil, has declared war against her, in alliance with the Government of Monte Video, and has sent its troops against the almost defenceless population of the Province of Matto Grosso.

The Imperial Government desires that friendly Powers may appreciate in their impartial and illustrious judgment, how much there is unjust and extraordinary in this rash proceeding on the part of a Government with whom Brazil exerted itself to cultivate the most friendly relations of neighbourhood.

The Republic of Paraguay, Señor Ministro, lived separated from commerce with other nations, and its existence threatened by the ex-Governor Rosas, when relations of friendship and reciprocal confidence were established between it and Brazil. The interest which His Majesty's Government took in the independence of the Paraguayan people was acknowledged by the very Government of Assumption, and several Cabinets in Europe and America can bear testimony to it.

In 1852, Brazil allying itself to the Oriental State of the Uruguay and an important fraction of the Argentine Republic against their oppressors and enemies of the Empire, Generals Rosas and Oribe, the Imperial Government invited that of Paraguay to join this crusade of honour and for the common interest, not on account of wanting her co-operation, but as a guarantee of its future independence by the Argentine nation. The Paraguayan Government, nevertheless, bound by pre-existing compacts between it and that of Brazil to take an active part in that triple alliance, hardly lent it a nominal adhesion; it withdrew itself from all the burdens, reserving to itself, nevertheless, the right of participating in the benefits which should result, and effectively did result, from the efforts of the Empire and its allies.

The affluents of the River de la Plata being opened to the navigation of the Riverain States and of the whole civilised world, the Paraguayan Government was the first to reap the benefit of the concession of the allies, but on its side kept the Upper Paraguay shut to all flags, even to those of Brazil, of the Argentine Republic, and of the Oriental State, not allowing them to pass higher than Assumption. This refusal on the part of Paraguay was not a simple failing of reciprocity, it was the putting aside of the principles stipulated in the solemn Treaty of the 25th December, 1850, between Brazil and the Republic.

The Brazilian Province of Matto Grosso, which contains within it elements of great prosperity, remained deprived of exterior navigation (in the same way as the Republic of Paraguay had formerly been), not by the sinister power of Governor Rosas, but by the arbitrary will of the Government of Assumption. So that Province remained, from 1852 to 1856, four long years after the navigation of the Plata and its affluents had been declared free by all the Riverain States.

So unjust and irritating a proceeding on the part of the Paraguayan Government nearly created war with Brazil, who, nevertheless, managed by its moderation to avoid it, in spite of the costly preparations which it made to support its right by force of arms. In 1856 two Conventions were signed at the Court of Rio de Janeiro which put an end to that conflict.

One of these Conventions settled the question of limits, the principal cause of the dispute, for the Paraguayan Government did not admit any of the solutions which it had before proposed, nor another which the Imperial Government then offered it. The second secured to the Brazilian flag the free navigation of the common highway, with this restriction, to which the Empire acceded for the love of peace, that only two ships of war could pass along the waters of the Republic to the Brazilian territory of the Upper Paraguay.

Hardly was the friendly agreement referred to promulgated, when the Paraguayan Government actually annulled it, subjecting the common navigation to rules which amounted to the refusal of that stipulated, and made all exterior commerce with the Province of Matto Grosso impossible.

It is easy to imagine the effect which this new provocation would produce in the mind of the Brazilian people and Government. War appeared again still more imminent, Brazil was forced into making fresh armaments; but still in this emergency Brazil preferred peace, and managed by its prudence to avoid becomingly having recourse to such an extreme measure.

The Imperial Government proposed and signed with perfect good faith the Agreement which is contained in the fluvial Convention of the 20th of February, 1858. This Convention was not a truce for Brazil, under whose shadow she should take advantage to prepare herself to break it whenever she should think fit.

No; the Imperial Government, conscious of its rights, and sure of the urbanity of the Brazilian people, never attempted to see in the excessive Paraguayan armaments anything beyond the unhappy result of the timorous policy of that Government, and of the abnormal state in which the Republic still remained.

It hoped sincerely that time and its friendly intentions would at last determine that Government to follow the dictates of reason and international justice.

In this disposition the Imperial Government confided, when the dispute with that of Monte Video survened, and it saw with wonder the Government of Assumption present itself in the Rio de la Plata as the most jealous defender of the independence of the Oriental Republic of the Uruguay, which nobody could seriously consider threatened by Brazil, by that Brazil which defended it against the power of Rosas, and without the assistance which the Paraguayan Government was bound to give by the above-mentioned compact of the 25th of December, 1850.

After numerous acts by which the Imperial Government has given unequivocal proofs of its respect for the independence of that frontier State, when the Argentine Government, which has with Brazil special stipulations in this respect, rendered justice to her intentions, the simple doubt of the Paraguayan Government was for it only an unmerited offence; but this Government went further, making itself supreme arbiter between the Imperial Government and that of the Oriental Republic; it sent to the first a threatening notification, which amounted to nothing less than withdrawing from Brazil a part of its rights of sovereignty in the conflict in which it was engaged with Monte Video.

The Undersigned refers himself here to the Paraguayan note which was published, dated the 30th of August last, by which the President of that Republic thought proper to introduce into the question, to which it was altogether foreign, his pretence of danger for the independence of the Oriental Republic.

The Government of Assumption did not define the nature and intent of the threat, but wrapped it up in mysterious reserve, and made it dependent on one clause, "the occupation of Oriental territory by the forces of Brazil," which never came to pass, and which the Imperial Government had declared to be out of its intention, beyond coercive measures against the Government of Monte Video.

The answer to such a pretension and threat could not be answered except in that sense in which the Imperial Legation did answer it in Assumption, making the Paraguayan Government aware that Brazil exercised a right inherent in all Sovereignties, and that no consideration would prevent it from following its just and honourable task of defending its dignity, and protecting the persons and properties of the numerous Brazilian subjects subjects residing in the Banda Oriental.

The entry of a Brazilian army into the territory of the Republic of the Uruguay, without practising any act of usurpation, served nevertheless for a foundation for the President of Paraguay to break off his relations of peace with Brazil. The threat of the 30th of August last was alleged as a previous and solemn declaration of war, to justify an unqualified abuse of international good faith with which that Government initiated its hostilities against Brazil.

The Minister is aware of the treacherous capture of the Brazilian packet "Marquez de Olinda," which was peaceably navigating, as usual, the River Paraguay, destined to the Province of Matto Grosso; and of the painful imprisonment which some of the unarmed passengers of that steamer suffered, amongst them a great Brazilian functionary, who was on his way to take the administration of affairs in that province.

The Government of Assumption considered as prisoners of war, and treated with extreme severity, passengers, who simply were travelling by the waters of the Republic, confiding in the state of peace in which at that time both countries found themselves, and under the shadow of an incontestable right.

Modern times do not show an example of such an illegal proceeding.

The conflict of Brazil with the Government of Monte Video was, as is seen, a pretext, and an opportunity which the Paraguayan Government seized to carry into effect its projects of war. The acts referred to, place in the clearest light the plan which has been well premeditated by that Government, and the end which it had in view; but there is another proof not less significative of its mischievous intentions. This proof is the military expedition which has been sent to the territory of Matto Grosso, counting on the advantages of a surprise in that remote Brazilian province, now a victim to devastation and atrocities which its invaders are practising.

In view of so many and such acts of provocation, the responsibility of the war between Brazil and the Republic of Paraguay will weigh exclusively on the Government of Assumption. The Imperial Government will repel its aggressor by force; but conserving with the dignity of the Empire its lawful rights, it will not confound the Paraguayan

nation with the Government which thus exposes it to the accidents of an unjust war, and it will maintain itself as a belligerent, within the limits which its own civilization and its international engagements trace for it.

The Undersigned, &c.

(Signed)

JOSE MARIA DA SILVA PARANHOS.

No. 80.

Mr. Lettsom to Earl Russell.---(Received March 7.)

(Extract.)

Monte Video, January 16, 1865.

IN my despatch of the 14th instant I had the honour of transmitting to your Lordship two printed copies of a note of Dr. de las Carreras, at the close of which he summons the Diplomatic Body to give him, with the view of its publication, a categorical answer as to what will be our conduct in the case of an attack of this city by the Brazilians and the forces of General Flores.

In that despatch I stated to your Lordship that Dr. de las Carreras had recently declared to Signor Barbolani it was the intention of the Government to set fire to the city should its defence prove unavailing, and that I purposed, when the joint answer to be given to Dr. de las Carreras' note came to be discussed by my colleagues, to suggest that we should declare to his Excellency that no Government professing opinions of that nature could look to the Diplomatic Body for moral support.

I accordingly on Sunday the 15th instant, when our meeting took place, spoke to my colleagues in that sense, but my proposition was supported only by Baron de Gülich, the Prussian Chargé d'Affaires.

Signor Barbolani, M. Maillefer, and Señor Hernandez, the Spanish Chargé d'Affaires, did not assent to my proposition. Senhor Leitte, the Portuguese Chargé d'Affaires, was not present at the meeting.

The answer of which I have the honour to inclose a copy was drawn up by my colleagues of Italy, France, and Spain; and Baron Gülich and I, with the view of maintaining the common action to the Diplomatic Body, gave our unwilling assent to it.

This answer, moderate as it is, has not been published by Dr. de las Carreras.

Inclosure in No. 80.

Signor Barbolani to Señor de las Carreras.

M. le Ministre,

Monte Video, le 16 Janvier, 1865.

JE me suis empressé de communiquer à mes collègues du Corps Diplomatique la note que votre Excellence m'a fait l'honneur de m'adresser en date du 13, par laquelle le Gouvernement de la République manifeste encore une fois le désir de connaître quelle sera l'attitude des forces navales étrangères en cas de bombardement ou d'attaque par mer contre la ville de Monte Video.

Mes honorables collègues, après avoir murement délibéré sur cette communication, m'ont chargé de faire savoir à votre Excellence, que malgré l'insistance du Gouvernement, il ne leur paraît pas opportun de répondre à l'espèce de sommation qui termine la note précitée.

Veillez, &c.

(Signé)

R. ULISSE BARBOLANI.

(Translation.)

M. le Ministre,

Monte Video, January 16, 1865.

I HASTENED to communicate to my colleagues of the Diplomatic Body the note which your Excellency did me the honour to address to me on the 13th, by which the Government of the Republic again expresses the desire to know what will be the attitude of the foreign naval forces in the event of Monte Video being bombarded or attacked by sea.

My honourable colleagues, having fully discussed this communication, have commissioned me to acquaint your Excellency that it does not appear to them expedient to reply to the kind of summons with which the aforesaid note concludes.

Be pleased, &c.

(Signed)

R. ULISSE BARBOLANI.

Mr. Lettsom to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 17, 1865.

BY the French mail packet of the 15th instant, Dr. Don Candido Juanicó, President of the Supreme Court of Justice, was sent by the Government of the Republic on a special mission to England, France, Italy, and Spain.

This mission was not officially notified to the Representatives of those Powers here until after Dr. Candido Juanicó had taken his departure, when it was made known to them by the note addressed to Signor Barbolani of which I have the honour to forward the annexed copy and translation to your Lordship.

Inclosure in No. 81.

Señor de las Carreras to Signor Barbolani.

(Translation.)

M. le Ministre,

Monte Video, January 15, 1865.

IN addition to my circular note of the 11th instant, I have the honour to bring to the knowledge of your Excellency, that you may be pleased to convey it to that of your honourable colleagues, that the Government of the Republic, in the assurance that the Governments of France, England, Italy, and Spain, when made fully aware of the dangers impending over the independence of this country and over the fate of their respective subjects residing here, by the unjustifiable aggression of the Empire of Brazil, will not fail to adopt suitable measures to guarantee that independence and the stability of the legal Governments, has resolved to send Señor Cándido Juanicó, President of the Supreme Court of Justice and Member of the Consultative Council of State, on an Extraordinary Mission to those Courts.

By proceeding thus, the Government once more makes evident the rectitude of its policy, which does not tend to satisfy party interests or pretensions, but which devoted to the supreme interest of the country, which is independence, peace, and order under the empire of the institutions, which signifies the reality of social guarantees and the happiness of all the inhabitants, endeavours to establish the future upon solid bases in order to insure such sacred interests.

Whilst the absolute independence of this country is not insured, the peace of the River Plate will be impossible, because the interest of absorption which is engendered in the policy of Brazil and Buenos Ayres—an interest constantly manifested in opposition to what is stipulated and solemnly established in the Convention of the 27th of August, 1828—for such is the primary cause of the commotions and civil wars which for thirty-five years have almost constituted the life of the Republic, the interest, I said, which the neighbouring Governments have in disputing the dominion of this territory will be actively maintained, flattered by the hopes of realization at some more or less distant day.

That interest it is which has always impelled the Argentine and Brazilian Governments to seek to mix themselves up in the political affairs of the Republic, involving the parties into which those societies are divided with those which have broken up that of this country. For this it is that according to the colour of the respective Cabinet, such has been the support it has given to one or another party, proposing or making alliances, always agitating, always disturbing, in order to make more easy the predominion, to bring about the annexation, and to cause this Republic to disappear from the catalogue of nations.

For this it is also, that when there has been a Government which, as in these latter times, has displayed the desire and the will to be national, abstaining from alliances with its neighbours, in order to give to the country a life of its own, independent, they have been seen to combine their policy and their efforts to overturn it and supplant it with the Government of a wild Chieftain, a fatal plant, the enemy of all order, impossible for all regular administration, the ultimate expression of savage life, irregular and anti-Christian.

To Europe, that cultivates commercial relations with these countries, that has need of consuming peoples to give egress to its productions, the territorial integrity, the independence of the Oriental State, its peace and internal order, are highly interesting, because apart from what is residence, the second country of thousands of peaceful and laborious Europeans, the conditions of the soil and climate, and the character of the natives, offer great hopes to the industry and commerce of the universe. To Europe, it interests to

make effective here the universal principles of law and justice in order to see realized the honest and legitimate aspirations of peaceful and laborious men.

The triumph of Brazil over the Republic, besides its affecting the integrity of the principles of humanity and justice, is the death of industry and of commerce in this region, where would be supplanted the liberal institutions which govern it by the system absurd, retrograde, anti-liberal, and exclusive, which prevails in the provinces of the Empire.

The abolition of slavery would be frustrated, and frustrated the noble efforts of England for the liberty of the man of colour, whom justice and humanity shield against the iniquity and usurpation consigned in the Brazilian code.

To seek the support of Europe for a work of civilization, of justice and of progress, the mission conferred on Señor Juanico is directed; and if apart from the proofs the Government has given of its loyalty to those principles, a justification were necessary of the rectitude and sincerity of its aspirations for the good of the country, whose fate has been confided to it, it would exist complete, perfect, in the choice of the person whose noble and elevated qualities are known to all.

I hope that the Diplomatic Body on being aware of this design will comprehend the necessity of making, now more than ever, powerful efforts to cause to be respected the forms and principles outraged by the Brazilian Cabinet, in order to give time for Europe to take the part which the interest of her subjects points out, shielding and protecting a nationality unjustly and arbitrarily assailed.

Brazil cannot free herself from the obligations contracted before the first nations of the world, she cannot carry her arbitrariness to where it injures foreign interests. It is much that she has done to draw upon herself universal reprobation by her irritating conduct in rejecting the means of impartial opinion, and resorting to the brutal means of force, taking advantage of a situation difficult for the Republic, which neither argues for her justice nor for the nobleness of her conduct.

Relying on the Diplomatic Body being persuaded that the seriousness of the question I have had the honour of submitting to its judgment in my previous note, and of the expediency of protecting the inoffensive interests, by obliging the rash invader to respect the law, seeking the reparations he pretends to in the means that civilization recognizes as legitimate, and that may make sterile injuries needless, and depending at the same time upon your Excellency hastening to make them acquainted with this, I avail, &c.

(Signed) ANTONIO DE LAS CARRERAS.

o. 82.

Mr. Lettsom to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 24, 1865.

I HAVE the honour to forward to your Lordship herewith two printed copies of a note addressed to the Diplomatic Body at Buenos Ayres by Senhor Paranhos, Envoy Extraordinary and Minister Plenipotentiary of Brazil on a special Mission to the Argentine Confederation.

This note has been transmitted to me by Mr. Thornton, at the request of Senhor Paranhos.

No. 83.

Mr. Lettsom to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 26, 1865.

ON the 20th instant I received a letter from Mr. Thornton, suggesting that I should use my efforts with President Aguirre to persuade him to accept the mediation of General Mitre, for arriving at a settlement of the differences between Brazil and the Government of this Republic.

M. Maillefer and Señor Hernandez received at the same time similar letters from the French and Spanish Ministers at Buenos Ayres.

Signor Barbolani, who is accredited to the Argentine Republic as well as to that of Uruguay, received a letter in the same sense from Señor Andres Lamas, who is now at

Buenos Ayres, where he was formerly confidential Agent of this country. Señor Lamas forwarded also to Signor Barbolani a copy of a letter that he had written to President Aguirre urging him to accept the mediation of General Mitre before it was too late to do so.

As no time was to be lost, it was agreed between Signor Barbolani, M. Maillefer, Señor Hernandez, and me, that Signor Barbolani should immediately wait on the President and make to him a verbal communication in the sense spoken of, and that, in the case of the President's decision being an adverse one, the Diplomatic Body should wait together on his Excellency Señor Aguirre the day following, to urge him to adopt the course referred to.

Signor Barbolani, upon calling on the President on the afternoon of the 20th instant, found him quite intractable, and declared that the mediation of General Mitre was what he never would consent to.

On the afternoon of the 21st instant, the English and French Admirals waited privately on the President to express their hope that some arrangement of the existing difficulties might be arrived at, and they added that, in their opinion, a successful defence of the town against the force to be brought against it could not be maintained.

Dr. de las Carreras acted as interpreter at this interview of the two Admirals with Señor Aguirre.

Rear-Admiral Elliot called upon me after this interview, and told me Dr. de las Carreras had omitted to translate to the President what the Admirals had said as to the impracticability of the town making a successful defence.

On the evening of the 21st instant, the Diplomatic Body called on the President, each Member urging his Excellency, by such arguments as seemed most proper to him, to agree to the suggested mediation.

The President said he was grateful to the Diplomatic Body, and also to the English and French Admirals for their endeavours to bring about a reconciliation of existing difficulties, but that he hoped the town had sufficient force to defend itself successfully.

I thereon asked him what the Admirals had said to him on that point; he answered that they not alluded to the matter.

I stated to him on this that he was in error, for that I had Rear-Admiral Elliot's authority to say, that he and his French colleague had said the town was incapable of defence, and that Dr. de las Carreras had omitted translating that statement to his Excellency.

I went on to say to the President that Dr. de las Carreras had stated to Signor Barbolani, officially, on the 13th instant, that in the case of not being able to defend the town, it was the intention of the Government to set fire to it, and I asked if this were really the case.

The President replied that Dr. de las Carreras may have made that statement, but that it was not the intention of the Government to do so.

Towards the close of the interview, his Excellency said he could come to no definite resolution prior to consulting his Ministry and the new Consultative Council of State on the matter, and he undertook to let Signor Barbolani hear without delay what determination he came to after consulting the persons referred to.

On Saturday the 22nd instant, President Aguirre sent for Signor Barbolani, and told him he had definitely resolved not to accept the mediation of General Mitre, that he was of opinion he could reckon on sufficient means to make a successful defence of the town, and that he moreover reckoned on the active co-operation of Paraguay before Monte Video.

No. 84.

Mr. Lettsom to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 28, 1865.

THE Brazilian naval commander, Baron de Tamandaré, has arrived here with a force of eight or nine steamers, having troops and artillery on board, with the view of summoning the city to surrender, and, in case of a refusal, attacking it by sea, while General Flores, aided by Brazilian troops, attacks it simultaneously by land.

General Flores is said to be at the Paso del Molino, about five miles from this place, but I have not been able to learn for certain that this is so.

The Government profess an intention of resisting to the utmost this combined attack on the city, a course of proceeding which, in the opinion of well-informed persons, can lead only to a great and wanton destruction of life and property.

Having occasion to see the Minister of War, I said to him I trusted the Government would not maintain an impossible defence of the city. He replied, that if Monte Video could not defend itself at least it could perish.

Trenches have been cut across most of the streets, and barricades erected across many of them. Most of the private wharves have been pulled down by order of the Government.

The force on which the Government profess to rely consists, it is said, of about 6,000 men, some 1,200 of whom are men from the country.

No. 85.

Mr. Lettsom to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 29, 1865.

JUST before the hour fixed for the departure of the mail this morning I received from Dr. de las Carreras the annexed note, containing the answer of the Government of the Republic to the note of Senhor Paranhos, addressed to Mr. Thornton, which forms the inclosure in my despatch of the 24th instant.

Inclosure in No. 85.

Señor de las Carreras to Mr. Lettsom.

(Translation.)

Department of Foreign Affairs,

Sir,

Monte Video, January 28, 1865.

THE respect which the Government of the Republic has always paid to the principles which guide civilized nations in their diplomatic relations, its adhesion to justice and morality, and the respect which it maintains for the soundness of the enlightened and impartial opinion of European Governments, more than once misled by the untruth and bad faith of Brazilian diplomacy, and by the revolting servility of bribed writers who falsify the best known facts, and for whom truth and law mean nothing when the base interest of party is in the way, impel the Government of the Republic to address to you this communication through the channel of the Undersigned.

The Circular which the Envoy Extraordinary of Brazil to the Argentine Government has addressed to the Diplomatic Body there accredited with instructions to read it to the President in this Republic, implies a real manifesto of war, which it states to exist, in contradiction to preceding declarations which establish solemn engagements with respect to neutral nations, whose interests are now ignored by the annulment of the obligations imposed by public international law. This Circular represents the fact as existing, and makes it known to the representatives of friendly nations with a statement of reasons, the falsehood of which should be once more demonstrated for the very justification of the Oriental Government, to whom they are attributed.

Supported upon these, and passing by the true principles, showing a violent partiality, and the spirit of influence and annexation which has always distinguished Brazilian policy in the Rio de la Plata as disloyal policy, proved by repeated acts, and by diplomatic documents which history has taken up to explain the variable and unjustifiable conduct of the Imperial Cabinet, Senhor Paranhos declares the fact of the existence of war, the commencement of which is known to you already with its accompaniment of acts of treachery and barbarity.

The nature of the affairs pending with the Empire of Brazil and their increasing importance, on account of the acts of its agents subsequent to the breaking off of diplomatic relations, define the position of the parties.

Be it, however, recognized that the provocation came from the Empire, which refused to submit the pending differences to the arbitration of a friendly Government, although that Government was one of those which signed the stipulations agreed to in the Congress of Paris,

The Imperial Envoy, who comprehends the gravity of the acts perpetrated, acts

which are a scandal to the law of nations, hastens to declare that the Brazilian Government continues at war with that of the Republic, as if that war had been declared before, and forgetting that, by the declarations of the Councillor Saraiva, the acts to which the Imperial forces were limited did not go beyond reprisals.

What foundations are there for this new attitude? None.

Senhor Paranhos in this does not copy Senhor Saraiva, always appealing to unproved facts which are never specified, and ignoring the many and grave remonstrances of the Government of the Republic for offences committed by Brazilian subjects, and even by Brazilian authorities, offences of the most irritating nature, such as the murder and sale and robbery of men, women, and children of colour.

He reproduces then the vague and unjustifiable accusations of the ultimatum, and from this basis he deduces the pretended right of thrusting upon an independent people all the horrors of war, for the purpose of attaining thus more readily the real object of his policy—the absorption of the Oriental Republic, as was aimed at in 1830 and in 1855.

You are aware that the Government of the Republic cannot be reproached with any act injurious to the Brazilian subjects residing in it, either before or since the said ultimatum, which is what is intended to be proved. And true it is that the violent measures with which we have been threatened, and which have since been carried into effect very decidedly, might have excited in any other country the exacerbation of national spirit so unworthily offended; but the good disposition of the natives, as Senhor Paranhos admits, stimulated by the advice and example of the Government, has once more exhibited the prudence and circumspection with which they have afforded the protection of the law to Brazilian subjects, making thus the true distinction between their acts and those of their own ambitious Government.

Without that nobleness of character and conduct perhaps the Republic might have already offered to history too many materials for some terrible pages, like those which reddened those of other nations, but which philosophy nevertheless excuses, recognizing the extremes to which an ardent love of the dignity of one's country may lead.

On the 11th of August last the Government sent a circular to the political heads of departments, pointing out the rules of conduct to be observed in the difficulties which were preparing, and ordering that the most efficient protection should be afforded to the persons and property of the subjects of Brazil residing in the country.

The acts have responded to the wishes of Government, but such a lofty spirit, such noble conduct, of which the honourable foreigners who reside in the country are the irrefragable witnesses, have gained nothing but calumny from the Imperial Representative. You will have seen this with astonishment, because you know the falsehood of the charges which Senhor Paranhos makes in his circular, such as that fresh acts oppressive to Brazilian subjects have taken place, "coinciding with acts of the supreme Government of the Republic, which seem to have been dictated by the same feeling of hostility to the Brazilian people."

What are these acts? They are not mentioned, from a fear, no doubt, that the Government might reply to him, as to Senhor Saraiva, with the evidence of Brazilian authorities who declare the contrary.

But we may go further than this.

Even after the atrocities committed on the city of Paysandú, on its defenders and inhabitants, even after the treachery committed by the Imperial forces to take that bulwark of the national independence, and after the murder of its generous and heroic chief and his companions, a barbarous act which has roused the indignation of natives and foreigners, the lofty spirit of the policy of the Oriental Government, and which has actuated the citizens, has made itself more remarkable still, in the very exacerbation produced by those outrages. In Monte Video, where the effervescence rose so high that a conflict was apprehended, no Brazilian was injured, no property was attacked.

But it is in the interest of Brazilian policy, the object of which is revealed in the unheard of recognition of Flores in the character of a belligerent, of the rebel chief Flores, who has made war against the lawful authority of the country without other motive or pretext than his unbounded ambition of ruling, who in his turn will obtain for it a fresh portion of territory under the cloak of compensation for the costs of the war,—it is in the interest, I say, of the Imperial policy to invent and bring forward vague denunciations of criminal acts, to disguise, in a manner, the motive of its disloyal proceedings.

Fortunately, the Diplomatic Body resident here, to whom Senhor Paranhos addresses himself, are able to offer the best testimony of the falsehood of that diplomatist's assertions, because they know, better than any one, the truth of what has taken place.

The Brazilian people themselves who reside here, the victims of the policy of their Government, demonstrate, by their indifference and neutrality, the confidence they feel in the

promises and declarations of the Government of the Republic. The Brazilians who have followed Flores, and who have co-operated in his nefarious work, are either vagabonds, the scum of the people on the borders, or dependents of the Imperial Government, which keeps them in its pay during the campaign of the Chief. Fidelis, Ferreira, Yela, Chico-Pedro, Santana, and others are officers of the Brazilian army, the rank and pay of which they retain, in spite of their being enrolled in the ranks of rebellion in foreign countries.

And when the forces of the Republic defeated these hordes of true filibusters, in arms on account of the Empire, the authorities of the frontier afforded them new shelter and protection, that they might return to their invasion.

The facts are shown by documents which are known to the Diplomatic Body, and this explains the prolongation and the nature of the war.

The declarations of the Imperial Government, to the effect that it will cause the strictest neutrality to be maintained, although they have served to silence the just complaints of the Republican Government, have demonstrated by the denial of facts the perfidy of that policy in its most repulsive nakedness, and if to prove that complicity it were necessary to offer evidence, no more conclusive evidence could be afforded than what is brought forward by Senhor Saraiva in the catalogue of Brazilian grievances on which he founds his ultimatum.

"In the fight at Tres Cruces," he says, "which took place in June last year, several Brazilians belonging to the forces of General Flores, who were at San Eugenio and Santa Rosa, fell into the hands of Colonel Don Lucas Piriz. Six of those Brazilians were put to death by order of this Colonel Piriz. This outrage took place on the 19th day of the same month of June, in the vicinity of the River Patitas, or island of Cabello. The names of the victims, according to public reports, were—José de Almeida, Domingo Peñafiel, Luis Monteiro, Joaquin Monteiro, Manuel Joaquin, and Fidencio José.

"In furtherance of the order of the Imperial Government, the Legation of this city made an energetic remonstrance on the 25th April ultimo, against this barbarous outrage. No reply was elicited."

It is impossible to require a more explicit confession of the complicity of the Brazilian Government in the rebellion, nor one that demonstrates more convincingly the the disloyalty with which the Oriental (*sic*) Government made the, apparently, sincerest protestations of its neutrality in the Oriental affairs; and yet Senhor Paranhos tells the Diplomatic Body, who is aware of this fact, that the Imperial Government maintained the policy of neutrality.

But observe, Sir, that this is the only act which is thrown in the face of the Government of the Republic, the only one, Sir; because, notwithstanding the difficulties which the invasion of Flores brought upon the administration of the campaign, the security of the persons and property of Brazilians, constituted a well-known truth.

But this act, about which Senhor Saraiva made a great uproar, only proves the contempt which the Imperial policy affects for the independence of the Republic, and for the principles of international law which asserts it.

The Brazilians who enlisted in the ranks of a rebellion in the interior, who put themselves on the roll of bandits, for those are the bandits who levy war without reason against lawful authority, and murder, burn, and attack public and private property; can such bandits merit the protection of the Empire? Can they possibly have continued to be Brazilians? Can they really enjoy the privileges of impunity for their crimes by being born on Brazilian territory? Such an unheard-of pretension affords the measure of the good faith, justice, and right with which the Empire makes war against us.

I will not trouble you with a dissertation upon this point, because the enlightenment of the worthy diplomat to whom I am addressing myself would be offended by having held up to his notice the principles and the rules which are established for classifying such outrages, and for determining the character of common enemies, as such individuals are considered among all civilized nations; principles and rules which are admitted throughout the world.

The other acts, such as the supposed punishment inflicted on Brazilians in Paysandu, were disproved, as you know, by the respective Consuls of the empire residing in the Republic.

The Government, impressed with the unreasonableness of the pressure of the Imperial Government in circumstances when honourable feeling and the sense of dignity of any Government which respects itself and values its own decorum would have considered it improper and unsuitable to insist upon old claims on which the want of evidence ought to have caused their relinquishment, ardently desirous of the pacification of the country, did not refuse to give way to the propositions of the Brazilian diplomat and of the Foreign Minister of the Argentine Republic, together with the Minister Plenipotentiary of Her

Britannic Majesty to the Government of the said Republic, but went so far as to grant the most ample and generous amnesty to the rebels, and extended its longanimity so far as to recognize their military rank and to give them a sum of money.

MM. Saraiva, Thornton, and Elizalde applauded so lofty a policy in their notes of the 10th and 25th of June.

The cause of disappointing this important object is now well known. The interest of the Imperial policy, with its tendencies to domination, appeared in the demand for a change of Ministry favourable to the pardoned rebel chief, thus striking the rudest blow against the sovereignty and independence of the nation.

Fortunately, the energy of the President of the Republic, who was actuated by the interest and dignity of his country, preserved its institutions from that perfidious snare, which was clearly shown in the unsuccessful mediation of the Italian Minister, together with the exorbitant pretensions of Flores, encouraged by the persuasions of Councillor Saraiva, tending to the continuation of the war.

The Brazilian Government which placed itself on the side of the rebellion, as it had assisted it before, now it became its ally, with a convention, the bases of which are now known, and which, if unhappily it were to succeed everywhere, by the triumph of the Empire, would render a residence in the country insupportable for the peaceful and industrious foreigners who people it; the Imperial Cabinet, I say, is solely guilty of the misfortunes which have taken place and may take place in the Republic.

Contradicting itself in its own declarations, and turning away from the duty of trying arbitration to settle the differences which it might have with the Government of the Republic before going to war, it now declares that the acts which it had previously called reprisals are acts of real war, thus demonstrating the perfidy of their former declarations, and the disloyalty with which they abandon their international duties.

The Government of the Republic accepts the war which it has not provoked, because its duty is to defend its dignity and the sovereignty and independence of the nation, whose protection is one of its most imperious duties; and in doing so, it declares aloud that it throws upon the unjust promoter the responsibility of its consequences.

But I will not omit to call your attention to the conditions which the Empire has taken upon itself by ignoring its former declarations, and its duty of submitting its differences to the arbitration of a friendly Power; you will also remember that this means was proposed by the Government of the Republic and rejected by that of Brazil. The Government of the Republic concludes by declaring that being placed beyond the law of nations, it will employ all the means in its power to defend itself, and to defend the sovereignty and independence of the Republic, carrying war against the Empire and its possessions, in order to force it to respect the rights of a free, sovereign, and independent nation.

Having made this communication by order of his Excellency the President of the Republic, the Undersigned has, &c.

(Signed) ANTONIO DE LAS CARRERAS.

No. 86.

Earl Russell to Mr. Thornton.

Sir,

Foreign Office, March 7, 1865.

I HAVE received your despatches to the 27th January inclusive, and with reference to the demand which, in your despatch of the 25th of that month, you report to have been made by the Governments of Paraguay and Brazil for permission for their respective armies to pass through the Argentine territories, I have to state to you that Her Majesty's Government hope that such permission will have been refused to both parties.

I am, &c.

(Signed) RUSSELL.

No. 87.

The Secretary to the Admiralty to Mr. Hammond.—(Received March 7.)

Sir,

Admiralty, March 7, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter, dated the 28th of January

Q 2

last, from Rear-Admiral the Honourable C. B. Elliot, reporting the state of affairs in the River Plate.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure in No. 87.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Satellite," at Monte Video, January 28, 1865.

THE progress of the Brazilians in prosecuting the war with this Republic has been slow. On the 4th ultimo Paysandu fell, and Monte Video, to which place they then determined to advance, is not yet invested, but the troops of General Flores are now in the vicinity, and part of the Brazilian army is within a day or two's march. The main body is also expected in a few days. Vice-Admiral Baron Tamandaré has with him about twelve vessels-of-war, and was in sight yesterday morning from this anchorage in the direction of Santa Lucia, where it is supposed artillery and 2,000 troops that were on board the ships have been landed.

2. The Government continues to assert its determination to resist an attack, and refuses to listen openly to any overtures for mediation.

3. On the 21st instant, in hopes of assisting Mr. Thornton and the French Minister at Buenos Ayres in their endeavours to bring about an arrangement of the difficulties, I went with Rear-Admiral Chaigneau, the French Commander-in-chief, to see President Aguirre of this Republic, and had an interview with him of an unofficial character. We pointed out to his Excellency how desirable it was that the Government should take advantage of an opening for negotiation by seeking or accepting the mediation of the President of the Argentine Confederation, General Mitre, who we were assured was willing to take upon himself that charge. We pointed out that however gallant a defence the troops might make at Monte Video resistance would in the end prove fruitless, and tend to the destruction of the city if assailed by such superior forces as it was supposed could be brought against it. We were well received, but apparently made no impression upon his Excellency, nor upon Dr. Carreras, the Minister for Foreign Affairs, who was present.

4. Notwithstanding the resolute language hitherto held by the Government of their determination to defend the town, there is still reason to doubt whether they will carry out that threat.

5. Many thousand persons have left the town in anticipation of disturbances and of an attack.

I have, &c.
(Signed) C. B. ELLIOT.

No. 88.

The Secretary to the Admiralty to Mr. Hammond.—(Received March 8.)

Sir,

Admiralty, March 7, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter dated the 29th January last, from Rear-Admiral the Honourable C. B. Elliot, reporting a guard of Royal Marines having been landed, in conjunction with men from the French, Spanish, and Italian ships of war, for the protection of the banks at Monte Video.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure in No. 88.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Satellite," at Monte Video, January 29, 1865.

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that on the morning of the 9th instant I received notice from Mr. Lettsom, Her Majesty's Chargé d'Affaires, that the Government of the Republic had applied,

through him and his colleagues, at an early hour that morning, for guards to be landed from the ships of their respective nations for the protection of the Commercial and Mana Banks before their usual hour of opening, disturbances being anticipated.

Acting in conjunction with the French Admiral, the Italian Commodore, and the senior Spanish naval officer, I acceded to this request, ten men being landed from the vessels of each nation. The guard of English was told off for the Commercial Bank, but that establishment not wishing to have them in addition to the Spanish guard, they were requested to occupy the English Bank, where they remained till the 17th instant, when Mr. Lettsom having acquainted me that the Government did not require their services, and there being no reason to apprehend disturbances, I withdrew them. The guards from the other foreign ships remain at the other banks, some monetary transaction of the Government in connection with loans being thought to endanger those establishments.

No disturbances have taken place.

I have, &c.
(Signed) C. B. ELLIOT.

No. 89.

Mr. Hammond to the Secretary to the Admiralty.

(Extract.)

Foreign Office, March 8, 1865.

I AM directed by Earl Russell to request that you will acquaint the Lords Commissioners of the Admiralty that his Lordship has deemed it advisable to take the opinion of Her Majesty's Advocate-General as to whether Her Majesty's Government would be justified in instructing the British Admiral in the River Plate to see that the privileges granted to Great Britain by the Treaty with the Argentine Confederation of the 10th of July, 1853, and by the Treaty with Paraguay of the 4th of May, 1853, are not infringed.

By the VIth Article of the first of these Treaties it is provided that "if a war should break out between any of the States, Republics, or Provinces of the River Plate or its confluent, the navigation of the Rivers Parana and Uruguay shall remain free to the merchant flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon-balls."

No similar provision, however, is contained in the Treaty with Paraguay.

The Argentine Confederation is not at present engaged in the war which is carried on between the State of Uruguay and the State of Paraguay and the Empire of Brazil.

I am to state to you under these circumstances, for the information of the Lords Commissioners of the Admiralty, that Lord Russell is of opinion that Admiral Elliot should be instructed generally to see that the free navigation of the River Plate by British merchant-vessels be not interfered with; but at the same time to cause strict injunctions to be given to the masters of British vessels not to carry any munitions of war of any description to any belligerent, warning them that if they do so they may render themselves liable to the exercise of belligerent rights and the penalties incident to an infringement of neutrality.

No. 90.

*Earl Russell to Mr. Thornton.**

(Extract.)

Foreign Office, March 8, 1865.

I INCLOSE herewith, for your information, a copy of a letter as marked in the margin† respecting the maintenance of the free navigation of the Rivers Parana and Uruguay during the present hostilities in the River Plate.

I am, &c.
(Signed) RUSSELL.

* A similar despatch was addressed to Mr. Lettsom.

† No. 89.

No. 91.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, March 8, 1865.

I INCLOSE, for your information, a copy of a letter, as marked in the margin,* upon the subject of the maintenance of the free navigation of the Rivers Parana and Uruguay during the present hostilities in the River Plate.

I am, &c.

(For Lord Russell),

(Signed) E. HAMMOND.

No. 92.

The Secretary to the Admiralty to Mr. Hammond.—(Received March 10.)

Sir,

Admiralty, March 9, 1865.

I HAVE laid before my Lords Commissioners of the Admiralty your letter of the 8th instant, relating to the present troubled state of affairs in the Rivers Parana, Uruguay, and Paraguay, and stating that Earl Russell is of opinion that Rear-Admiral Elliot should be instructed generally to see that the free navigation of the River Plate by British merchant-vessels be not interfered with, but at the same time to cause strict injunctions to be given to the masters of British vessels not to carry munitions of war of any description to any belligerent.

In reply, my Lords desire me to forward to you, for the information of Earl Russell, a copy of the instructions sent by last night's mail to Rear-Admiral Elliot.

My Lords would suggest that a notice should be inserted in the "Gazette," warning British merchants trading in the River Plate of the liabilities they incur in the present state of affairs by carrying munitions of war to any of the belligerent Powers.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure in No. 92.

The Secretary to the Admiralty to Rear-Admiral Elliot.

Sir,

Admiralty, March 8, 1865.

WITH reference to the inclosed copies of Treaties between Her Majesty and the Republic of Paraguay dated 4th March, 1853, and between Her Majesty and the Argentine Confederation dated 10th July, 1853, relating to the free navigation of the Rivers Parana, Uruguay, and Paraguay, I am commanded by my Lords Commissioners of the Admiralty to signify their direction to you, in the present troubled state of affairs in the rivers alluded to, to use every friendly means in your power to secure their free navigation for merchant-ships of the United Kingdom.

You are not to have recourse to force in carrying out any rights or privileges conceded to this country by either of those Treaties without reference to Her Majesty's Government.

You are to take every opportunity to acquaint masters of British merchant-vessels that they are not to carry munitions of war of any description to either belligerent. You are to warn them that if they do so they may render themselves liable to the exercise of belligerent rights and the penalties incident to an infringement of neutrality.

I am, &c.

(Signed) W. G. ROMAINE.

Earl Cowley to Earl Russell.—(Received March 11.)

My Lord,

Paris, March 9, 1865.

I HAVE communicated to M. Drouyn de Lhuys, as instructed by your Lordship's despatch of the 4th instant, copies of the Treaties concluded by Sir Charles Hotham with the Argentine Republic and with Paraguay, and I have informed his Excellency of the nature of the instruction sent to Admiral Elliot with reference to the war now waging in those localities.

M. Drouyn de Lhuys will take care that similar instructions are sent to the French commanding officers in those seas, if it has not already been done.

I have, &c.

(Signed)

COWLEY.

Correspondence respecting Hostilities in
the River Plate, &c.

*Presented to the House of Lords by Command of
Her Majesty. 1865.*

LONDON:
PRINTED BY HARRISON AND SONS.

PART II.

CORRESPONDENCE

RESPECTING

HOSTILITIES

IN THE

RIVER PLATE, &c.

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address dated May 1, 1865.*

LONDON:
PRINTED BY HARRISON AND SONS.

the Government of the Republic of Uruguay, and between the States of Uruguay and Paraguay and Brazil; and that all British vessels going to, or trading with, any ports or places in the River Plate, the Rivers Parana, Uruguay, and Paraguay, or ports or places thereunto belonging, are hereby strictly warned and prohibited against carrying or conveying to any such ports or places mentioned any munitions or articles of war, of any description whatsoever, to or for the use of any of the said belligerent States or parties during the continuance of such hostilities. And it is hereby further notified that any vessel so carrying or conveying any munitions or articles of war, of any description whatsoever, will become liable to the exercise of belligerent rights on the part of the States or parties above mentioned, and to the penalties incident to an infringement of Her Majesty's neutrality.

No. 3.

Mr. Elliot to Earl Russell.—(Received March 24.)

(Extract.)

Turin, March 18, 1865.

I HAVE the honour to forward to your Lordship herewith copies of the Report given in the "Italie" newspaper of the reply of General La Marmora to a question put to him in the Chamber of Deputies relative to the hostilities going on in the River Plate.

The General observed to me that he was anxious it should be known that the Italian Government was pursuing exactly the same line of policy as that followed by Her Majesty's Government, and that their only object was to protect Italian interests, taking no part in the contest beyond what might be done by friendly and conciliatory advice to the belligerents.

Inclosure in No. 3.

Extract from "L'Italie."

Le Général La Marmora.—La Colonie Italienne à Monte Video est, en effet, très importante. Le commerce Italien y est considérable. La protection du Gouvernement du Roi doit s'étendre, non-seulement sur les Italiens qui habitent Monte Video, et dont le nombre est de plus de 20,000, mais sur ceux qui sont répandus sur les vastes territoires riverains du fleuve, l'Uruguay, la République Argentine, le Paraguay. Le Représentant de l'Italie à Monte Video a pris part en première ligne aux négociations tentées par la diplomatie Européenne pour empêcher les désastres de la guerre qui a éclaté depuis dans ces régions; d'accord avec le Corps Diplomatique, il s'est mis en communication même avec le Général Flores pour amener une transaction pacifique entre lui et le Gouvernement de Monte Video. Ces efforts ne purent empêcher les hostilités, et le Brésil entra ouvertement dans la lutte engagée.

Des actes d'inhumanité furent commis, et bien qu'on les ait racontés probablement avec exagération, il n'en faut pas moins reconnaître que chez l'un et l'autre parti la lutte tend trop souvent à prendre un caractère de cruauté. Dans de telles circonstances, le Gouvernement du Roi a pour devoir de protéger et de sauvegarder avec une active sollicitude les personnes et les intérêts de nos nationaux. L'accord qui règne entre les Représentants des diverses Puissances à Monte Video, notamment entre les Envoyés d'Italie, de France, et d'Angleterre, est de nature à nous faciliter l'accomplissement de cette tâche. Nous avons dans les eaux de la Plata deux corvettes à vapeur et une canonnière, celle-ci destinée à pénétrer dans les parties du fleuve dont les eaux basses interdisent l'accès aux gros navires. Ces bâtiments ont rendu de grands services à la Colonie Italienne et à des étrangers menacés par les incidents de la guerre.

La politique de l'Italie dans ces régions n'a pas d'autre objet que celui que je viens de dire. Nous n'avons aucunement à prendre parti pour l'un ou pour l'autre des partis qui se disputent le pouvoir dans la République Orientale, ni à intervenir dans les démêlés de celle-ci avec le Brésil. Nous ne voulons qu'une chose : écarter autant que possible de nos nationaux les maux de la guerre qui désole ces contrées.

C'est avec une grande surprise que j'ai vu ici quelques personnes se préoccuper des allégations absolument erronées admises à cet égard par quelques journaux, et notamment par "L'Indépendance Belge," sur la foi d'un correspondant de Turin dont les informations sont décidément d'une nature toute particulière.

Je n'ai pas besoin de vous dire, messieurs, qu'il est absurde de prétendre que nous

soyons allés choisir Monte Video pour y fonder des canons, que nous ayons de vellétés de conquête ou de domination sur ces contrées, et que nous nous y établissions dans des positions militaires.

L'île des Ratti, sur laquelle on écrit tant de faussetés, est un simple dépôt de charbon semblable à celui que nous avons accordée à la marine des Etats-Unis, à Spezia, et ensuite à Cagliari.

Il est entièrement faux que nous y ayons établi la moindre batterie, ni un seul canon. Le Gouvernement de Monte Video ne nous l'a pas cédée, mais louée. Les commentaires qu'on a fait sur ce sujet sont chimériques.

Quant à nos relations commerciales avec l'Uruguay, elles sont semblables à celles des autres nations. Les droits différentiels devraient y être abolis pour nous, mais c'est un objet sur lequel le moment présent ne serait pas favorable pour négocier. Le Parlement peut compter que le Gouvernement ne négligera pas les intérêts Italiens dans ces contrées.

(Translation.)

General La Marmora.—The Italian Colony at Monte Video is, in fact, very important. The Italian commerce there is considerable. The protection of His Majesty's Government should be extended, not only to the Italians who inhabit Monte Video, whose number exceeds 20,000, but to all those who are spread over the vast riverain territories of the River, Uruguay, the Argentine Republic, and Paraguay. The Representative of Italy at Monte Video took a prominent part in the negotiations instituted by European diplomacy to prevent the disasters of the war which has since broken out in those regions. On an understanding with the Diplomatic Corps, he put himself in communication with General Flores in order to bring about a pacific negotiation between him and the Government of Monte Video. These efforts failed to prevent hostilities, and Brazil publicly commenced the struggle.

Acts of cruelty were committed, and although they may, probably, have been reported with exaggeration, it must be acknowledged that on both sides the contest has too often a tendency to become cruel in its character; under these circumstances it is the duty of His Majesty's Government to protect and preserve with active care the persons and interests of our countrymen. The good understanding which exists between the Representatives of the different Powers at Monte Video, especially between the Envoys of Italy, France, and England, facilitates the accomplishment of this task. In the River Plate, we have one steam-corvette and one gun-boat, the latter being destined to penetrate those parts of the river, which, on account of the shallowness of the water, are closed to large ships. These vessels have rendered great services to the Italian Colony and to foreigners threatened by the chances of war.

The policy of Italy has no object but the one I have stated. It is certainly not our business to side with one or the other party striving for power in the Oriental Republic, nor to interfere in the disputes between the latter and Brazil. We desire but one thing, to avert from our countrymen, as much as possible, the evils of the war which is desolating those countries.

I have seen with great surprise that a few persons here have taken into consideration certain absolutely erroneous allegations with respect to this inserted by some newspapers, especially the "Indépendance Belge" on the authority of a Turin correspondent, whose information is certainly of a very peculiar nature.

There is no need for me to tell you, gentlemen, that it is absurd to pretend that we have chosen Monte Video as a place for founding cannon, that we have projects of conquest or dominion in those countries, and that we establish ourselves there in military positions.

The Island of Ratti, regarding which so many falsehoods have been written, is simply a coal dépôt, similar to that which we have granted to the navy of the United States at Spezia, and subsequently at Cagliari.

It is absolutely not true that we have established there the smallest battery, or one cannon. The Government of Monte Video has let the island to us, not ceded it. The commentaries made on the subject are chimerical.

As regards our commercial relations with Uruguay, they are similar to those of other nations. Differential duties should be abolished for us, but this is a subject for the negotiation of which the present moment would not be favourable. Parliament may be sure that the Government will not neglect Italian interests in those countries.

No. 4.

Earl Russell to Mr. Thornton.

Sir,

Foreign Office, March 29, 1865.

WITH reference to my despatch of the 16th instant, I transmit to you herewith for your information a copy of a despatch from Her Majesty's Minister at Turin,* reporting that it was the intention of the Italian Government to pursue a similar policy to that of Her Majesty's Government relative to the hostilities in the River Plate.

I am, &c.

(Signed) RUSSELL.

No. 5.

Mr. Thornton to Earl Russell.—(Received April 5.)

(Extract.)

Buenos Ayres, February 11, 1865.

ON the 5th instant Señor Elizalde received a letter from Señor Berges, Paraguayan Minister for Foreign Affairs, transmitting a request from his Government that the Argentine Government would grant permission to a Paraguayan army to cross the territory of the province of Corrientes for the purpose of carrying on the war which they had declared against Brazil. This territory is the slip of land on the right bank of the Uruguay to which I alluded in my despatch of the 25th ultimo.

Señor Berges stated that in 1855, when the Brazilian Government sent a hostile naval expedition against Paraguay, the Argentine Government not only did not prevent that expedition from passing by Martin Garcia and proceeding up the River Paraná, but allowed it to be supplied with provisions and other necessities from the Argentine provinces along the banks of the river.

Señor Elizalde assured me that the Argentine Government would refuse to grant the permission requested, on the ground that the Constitution of this Republic, in the 25th section of the 64th Article, expressly declares that it is an attribute of the Congress alone "to permit the entrance of foreign troops into the territory of the Confederation;" and he added that it would be impossible for Congress to assemble in an Extraordinary Session within a short time, which would not suit the views of the Paraguayan Government, for Señor Berges had asked for an immediate answer.

Señor Elizalde stated that it was the opinion of his Government that the fact of a Brazilian expedition having sailed up the River Paraná did not entitle Paraguay to demand a passage by land through Argentine territory; that the Paraná was, as it were, considered open to all the world, but especially to the river-bordering nations, and that it would be absurd to suppose that if England, for instance, were aggrieved by Paraguay, she would allow herself to be prevented from ascending the Paraná for the purpose of demanding satisfaction. To this observation I readily assented.

Señor Elizalde seemed hardly able to form an opinion as to what step the Paraguayan Government would decide upon taking when the rejection of their petition by the Argentine Government should reach them. At any rate, as it is not likely that they will move their army until the receipt of the answer, the Brazilian forces and those of Flores, unless their progress should be still slower than it has yet been or they should meet with unexpected resistance, will have ample time to possess themselves of the town of Monte Video, before the Paraguayan army can disturb them.

No. 6.

Mr. Thornton to Earl Russell.—(Received April 5.)

My Lord,

Buenos Ayres, February 11, 1865.

I HAVE the honour to inform your Lordship that Senhor Paranhos, Brazilian Minister on a special mission to this Republic, left Buenos Ayres yesterday for the purpose of proceeding to the head-quarters of the Brazilian army, which is now preparing to attack Monte Video.

I have, &c.

(Signed) EDWD. THORNTON.

No. 7.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 7, 1865.

I HAVE the honour to transmit to your Lordship herewith a copy and translation of a letter addressed to me by Vice-Admiral Baron Tamandaré, announcing to me the establishment by him of the blockade of Monte Video in virtue of the orders of the Government of His Majesty the Emperor of Brazil.

I have likewise the honour to forward to your Lordship a copy of my answer to Baron Tamandaré's letter.

In Baron Tamandaré's letter your Lordship will observe that his Excellency speaks of commencing hostilities against the town at the conclusion of the period granted by him to merchant-vessels to withdraw from the port.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure 1 in No. 7.

Vice-Admiral de Tamandaré to Mr. Lettsom.

(Translation.)

M. le Ministre,

*On board the corvette "Nitheroy," at Monte Video,
February 2, 1865.*

I HAVE the honour to communicate to your Excellency, in order that you may be pleased to make it known to your fellow-countrymen, that this port is placed in a state of blockade from this date, in execution of the orders of the Government of His Majesty the Emperor of Brazil, in accordance with what I have just declared to the commanders of the foreign naval stations. The motives that justify this act of war, as well as those that are about to follow, are fully explained in the manifest which the Envoy Extraordinary of the Empire, Councillor Paranhos, addressed to Messieurs the Diplomatic Agents residing at Buenos Ayres, requesting them to make their respective colleagues resident in Monte Video acquainted therewith, and in the note that I have transmitted to the commanders referred to.

In consequence I grant a term of seven days, reckoned from this date, for the vessels anchored at this anchorage-ground to put themselves in a safe place, in a position where they do not embarrass the operations which the squadron under my command has to execute against the town and may not suffer any damage from the fire thereof, it being in their power to remain in this point the time they may require to complete their freights if they have to receive them, not from the town itself, in spots not occupied by the enemy, since communication with the town is entirely and absolutely forbidden.

It is my intention to carry on hostilities only against those positions that are occupied by the enemy, and from which the latter fires upon our troops.

Nevertheless, the case should be foreseen of the enemy finding himself obliged to take refuge in the centre of the city, and that there should be a necessity of dislodging him from this last refuge, making use of all the measures permitted in war. Having in view this probability, which I request your Excellency to have notified to your fellow-countrymen, I hold it to be expedient that your Excellency should counsel them to retire from the town as soon as possible, it not being possible for me to indicate a term, because the present situation has been known for a long time and expected by all the inhabitants of this capital, and the operations cannot be delayed. In all the places occupied by the allies they will meet with protection and security for their persons and property.

It is superfluous to assure your Excellency that the allied forces have the most stringent and positive orders, which will be complied with, to respect the lives of the natives and foreigners who do not bear arms in favour of the enemy, and the properties not occupied by him, as well also as to have consideration for the residence of your Excellency, at the disposal of whom I have the honour to place a vessel of the squadron under my command if your Excellency should wish to retire from the town itself.

In fine, I have to state to your Excellency that General Flores has opened the port of the Bucco to national and foreign commerce, and that he will naturally establish there a market for the provisioning of all those that may have recourse thereto.

I salute, &c.

(Signed) BARON DE TAMANDARE.

Inclosure 2 in No. 7.

*Mr. Lettsom to Vice-Admiral de Tamandaré.**Monte Video, February 7, 1865.*

M. le Baron,

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 2nd instant, acquainting me that from that date the port of Monte Video is declared in a state of blockade, in virtue of the orders of the Government of the Empire of Brazil; and that your Excellency has granted to the merchant-vessels lying here the term of seven days from the date of your note to take in their freights, after which they will have to station themselves at a distance, in positions where they will not obstruct the operations which your Excellency is about to undertake against this city, it being, however, permitted to those merchant-vessels to remain at such distance the time required to complete their freights, provided they do not receive them from points in the occupation of the enemy.

Your Excellency further states that it is your intention to carry on hostilities only against those positions that are occupied by the enemy, and from which the latter fires on the allied forces. I receive this assurance with gratification, being convinced that your Excellency's orders will in this respect be rigorously complied with.

Your Excellency proceeds to say that, in the case, however, arising of the enemy being obliged to take refuge in the centre of the city, and it becoming indispensable to drive him from that last refuge, it will be requisite for you to make use of all the measures recognized in war.

Should this case, in truth, present itself, I cannot doubt that the earnest wish of your Excellency will be that as little recourse as possible should be had to those fatal means of destruction which your Excellency's duty calls on you to employ.

In the view of the occurrence of this probability, I have, as your Excellency counsels me, advised my countrymen to retire from the city as soon as possible. Their wish to quit the town is, however, I lament to say, to a great extent thwarted by the Government of President Aguirre, which has recently issued a Decree forbidding persons from leaving Monte Video by land; and this Decree, as Dr. de las Carreras has just informed me, in reply to my inquiry, is not to be revoked.

Your Excellency further acquaints me that the allied forces have received the most stringent orders to respect the lives and properties of natives and foreigners not in arms in favour of the enemy. The word of your Excellency is sufficient to convince me that no efforts will be spared to ensure those orders being duly carried out.

With respect to that part of your Excellency's note wherein your Excellency is pleased to say that you place at my disposal a vessel of the squadron under your Excellency's orders, should I desire to withdraw from the city, while rendering to your Excellency my grateful acknowledgment for that attention, I beg to say that the presence of a British squadron will not render it necessary for me to avail myself of your Excellency's offer.

I have not failed to make known to the masters of British merchant-vessels that the port of Buceo is at present open to them.

I have, &c.

(Signed) W. G. LETTSOM.

No. 8.

*Mr. Lettsom to Earl Russell.—(Received April 5.)**Monte Video, February 13, 1865.*

(Extract.)

FOR the information of British subjects who might be desirous of leaving this city in consequence of the impending hostilities, I circulated, on the 3rd of February, a printed translation of Baron Tamandaré's letter to me on this matter.

That translation forms Inclosure No. 1 in my despatch of the 7th instant.

Many British subjects have in consequence been conveyed in Her Majesty's ships either to the Buceo, a port some four miles distant, or to Buenos Ayres.

I have the honour to forward to your Lordship copy and translation of a note addressed to me by Dr. A. de las Carreras, wherein he speaks of the general terror caused among natives and foreigners by my publication of Baron Tamandaré's letter.

But I had not to consult his Excellency to learn whether he approved or not of the step I was about to take. My duty plainly was to lay before British subjects, as clearly and as fully as I could, what danger menaced them should they remain in the city.

On the following day Signor Barbolani published a translation in Italian of the same letter, which he had received from the Brazilian Commander-in-chief.

My other colleagues did the same in more or less detail.

I called on Dr. A. de las Carreras, and requested him to read to me the passage of his note wherein he speaks of the resolution of the Government "to bury themselves under the ruins of the town sooner than yield to the Brazilians."

I then asked him to explain what that phrase signified, adding that I feared it might mean that some of the large stores of gunpowder situated in the town would be set fire to.

Dr. A. de las Carreras replied that the Government would confine themselves to the legitimate usages of war.

I concluded the conversation by telling his Excellency that the expression of his about the "ruins" of the town had (since the publication of his note in the papers) caused more alarm than Baron Tamandaré's declaration, for that there are numerous persons who had attached a literal meaning to the phrase of which I had spoken.

Inclosure in No. 8.

Señor de las Carreras to Mr. Lettsom.

(Translation.)

M. le Chargé d'Affaires,

Monte Video, February 5, 1865.

THE notification of blockade made by the Brazilian Admiral when made known to the inhabitants of Monte Video, produced, by the terms in which it is couched, a reasonable feeling of terror in families, and among many foreign residents, who fear that the horrible scenes of which the heroic city of Paysandu was the theatre will be repeated here. This terror is to a certain point well founded, when it is borne in mind that nothing was sufficient to impede the barbarity of Admiral Tamandaré there,—neither the irritating violation of the principles and practices of international law, nor the sentiment of humanity offended by a bombardment at a safe distance, nor the consideration that important beneficial interests were sacrificed, and that death was let loose upon innocent victims.

History and justice will one day pass their verdict upon the guilty, and no charge whatever can be brought against the Government of the Republic, which, having no other power than justice, was unable to overcome violence and force.

Firmly resolved, however, to defend at all hazards the capital of the Republic, the last bulwark of national independence, determined to bury itself under its ruins rather than give way to Brazilian conquest, no power will be able to make it recede from this resolution,—neither the havoc which menaces this city, nor any other consideration; because the sovereignty and independence of the country, traitorously menaced, are superior to every interest: nevertheless, it wishes and desires to lessen as much as possible the number of innocent victims.

In view, therefore, of the dangers which threaten the capital, and as some days yet remain of the short term which the Brazilian Admiral, with unnecessary injury to commercial interests, has established for merchant-vessels to leave the port, it considers it to be expedient and humane to afford to the terrified families and foreigners, in so far as is compatible with the defence, the means of abandoning a place where no other spirit ought to prevail than that of resisting tenaciously in order to preserve independence, and therewith the rights and guarantees which civilized nations accord to all their inhabitants.

To that effect I have received orders from his Excellency the President of the Republic to address M. le Chargé d'Affaires of Her Britannic Majesty, and to beg he will be pleased to concur in so beneficent an object, by placing at the disposal of those who leave the means he may have of conveying them out of the capital, urging, at the same time, his fellow-countrymen who do not choose to witness the horrors of war, to take advantage of the few days that remain of the term above mentioned. The Government on its part will issue suitable measures, and furnish the means which it has at its disposal.

I have, &c.

(Signed)

ANTONIO DE LAS CARRERAS.

No. 9.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 13, 1865.

WITH reference to the concluding paragraph of your Lordship's despatch of the 24th December last, I have the honour to state that the condition of affairs between Brazil and this Republic has changed most materially since that despatch was written.

Uruguay has now declared officially that it accepts the war with Brazil, to which it has been provoked.

Brazil, on its part, has likewise made officially a like declaration in almost similar terms.

Brazilian sea and land forces, in virtue of orders of the Imperial Government, and as the allies of General Flores, are now investing this city and preparing to attack it.

The blockade of Monte Video, as your Lordship is aware from my despatch No. 14 of the 7th instant, has been formally declared by Brazil.

This blockade is limited to the port of Monte Video.

I have, &c.

(Signed) W. G. LETTSOM.

No. 10.

Mr. Lettsom to Earl Russell.—(Received April 5.)

(Extract.)

Monte Video, February 15, 1865.

THE changes in the aspect of political affairs within these last ten days, but especially within the last forty-eight hours, have been so numerous that I cannot pretend to give your Lordship more than a general idea of what has occurred.

On the 2nd instant, as your Lordship is aware, the Brazilian Commander-in-chief granted a period of seven days, up till the 9th therefore, for merchant-vessels to quit the harbour, prior to the commencement of hostilities.

President Aguirre distinctly promised the Diplomatic Body that he would resign on the 8th instant, so as to allow the Senate to elect Señor Villalba as his successor.

The election of Señor Villalba would have been a sure pledge that sincere efforts would be made to bring all outstanding difficulties to a satisfactory conclusion.

Baron Tamandaré having, however, extended till the 15th instant the term which originally concluded on the 9th, Señor Aguirre broke his word to resign on the 8th, but promised to do so on the 14th.

There was not, however, on that day a sufficient number of Senators assembled to proceed to business, the adherents of Dr. de las Carreras having threatened their lives if they should proceed to the Senate Chamber.

Last night there was a meeting of the Chiefs of the garrison, who agreed to give their support to any President whom the Senate might freely elect.

I think it possible the Senate will elect Señor Villalba in the course of this day.

Dr. Susviela ceased yesterday to be Minister of War.

I am sorry that the departure of the French mail prevents my announcing to your Lordship what resolution the Senate come to on the matter of Señor Villalba's election.

No. 11.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 15, 1865.

I HAVE the honour to forward to your Lordship herewith a copy of a letter addressed by Signor Barbolani to Senhor Paranhos, requesting that the period granted by the Brazilian Government for merchant-vessels to quit this port prior to the impending hostilities might be extended from the 9th to the 15th instant, with the hope that before the latter date Señor Villalba would be elected President of the Senate, and have, in consequence, to act as President of the Republic; the election of Señor Villalba being considered as almost tantamount to the re-establishment of peace.

Signor Barbolani sent his letter to Senhor Paranhos through Baron Tamandaré, who was then off the mouth of the River Santa Lucia, about twelve leagues from this place, with the vessels under his orders.

I have the honour further to transmit to your Lordship, translation of a letter addressed by Baron Tamandaré to Signor Barbolani in connection with the matter in question, and I have also the honour to place in your Lordship's hands translation of the answer of Senhor Paranhos to the letter of Signor Barbolani above spoken of.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure 1 in No. 11.

Signor Barbolani to Senhor Paranhos.

Monte Video, ce 29 Janvier, 1865.

LE Soussigné, Ministre Résident de Sa Majesté le Roi d'Italie, a été chargé par ses collègues du Corps Diplomatique à Monte Video d'adresser la communication suivante à son Excellence le Conseiller Paranhos, Envoyé, &c., &c.

Considérant que le Pouvoir Exécutif de la République Orientale de l'Uruguay doit, aux termes de la Constitution, être renouvelé le 15 Février prochain, et que le nouveau Gouvernement libre de tous antécédents personnels et de tous engagements antérieurs, pourrait se trouver dans des conditions plus favorables à une solution pacifique des différends qui ont amené une situation si regrettable pour tous les intérêts, les membres du Corps Diplomatique à Monte Video se sont tous accordés à penser que le meilleur moyen d'aviser à une solution si désirable serait que l'élection du nouveau Chef du Gouvernement pût avoir lieu avec le calme et la régularité nécessaires.

En conséquence le Corps Diplomatique émet le vœu que le Représentant de Sa Majesté Impériale l'Empereur du Brésil concoure à la réalisation d'un événement si salutaire, en se prêtant à une suspension d'hostilités par terre et par mer, et en laissant les choses dans le *statu quo* jusqu'à la date susmentionnée.

Le Corps Diplomatique aime à espérer que dans l'intervalle l'œuvre de la pacification pouvait être accélérée par une médiation acceptable à toutes les parties, et qui serait le meilleur moyen d'éviter les complications internationales qu'entraîneraient presque infailliblement des opérations de guerre dirigées contre une ville essentiellement commerciale comme l'est Monte Video, et où les intérêts et les habitants étrangers se trouvent en si grande majorité.

Confiant dans les sentiments de conciliation et d'humanité autant que dans les lumières de son Excellence, le Soussigné et ses collègues se plaisent à croire que M. le Conseiller Paranhos accueillera avec la déférence qu'elle mérite cette démarche, non moins conforme au besoin universel de paix et à la pensée de leurs Gouvernements.

Le Soussigné, &c.

(Signé)

R. ULISSES BARBOIANI.

(Translation.)

Monte Video, January 29, 1865.

THE Undersigned, Minister Resident of His Majesty the King of Italy, has been deputed by his colleagues of the Diplomatic Body of Monte Video to make the following communication to his Excellency Councillor Paranhos, Envoy, &c., &c.

Whereas the Executive Power of the Oriental Republic of Uruguay must, by the terms of the Constitution, be renewed on the 15th of February next, and the new Government being free of all personal antecedents and all anterior engagements, might find itself in a situation more favourable to a pacific solution of the differences which have brought about a state of affairs so lamentable for all interests, the members of the Diplomatic Body at Monte Video have all come to the conclusion that the best means of arriving at so desirable a solution would be that the election of the new Head of the Government should take place with the necessary order and regularity.

The Diplomatic Body consequently trust that the Representative of His Imperial Majesty the Emperor of Brazil may aid in the realization of so beneficial a result by agreeing to a suspension of hostilities by land and sea, and by leaving matters in the *statu quo* until the above-mentioned date.

The Diplomatic Body rejoice in the hope that during the interval the work of pacification may be forwarded by a mediation acceptable to all parties, and which would be the best means of avoiding the international complications which would infallibly ensue from any warlike operations directed against an essentially commercial town, such as Monte Video, where foreign interests and foreign inhabitants form so great a majority.

Relying on the conciliatory and humane disposition as much as on the enlightened views of his Excellency, the Undersigned and his colleagues hope that Councillor Paranhos will receive this step, which is both in conformity with the universal necessity of peace, and with the views of their Governments, with the deference it deserves.

The Undersigned, &c.

(Signed)

R. ULISSES BARBOLANI.

Inclosure 2 in No. 11.

Vice-Admiral Tamandaré to Signor Barbolani.

(Translation.)

*On board the corvette "Nitheroy," at the Bar of Santa Lucia,
January 30, 1865.*

Most Illustrious and Most Excellent Sir,

THE Undersigned, Commander-in-chief of the naval force of Brazil, in operations in the River Plate, has just read, with all the interest which it deserves, the note which his Excellency Signor Ulysses Barbolani, Resident Minister of His Majesty the King of Italy, addressed to his Excellency the Envoy Extraordinary of Brazil in his own name and in that of his colleagues of the Diplomatic Body in Monte Video, and with which Signor Barbolani is pleased to make the Undersigned acquainted, wherein a suspension of hostilities by land and sea is asked for, matters being left *in statu quo* up till the 15th of February next, on which day, according to the form of the Oriental Constitution, the Executive Power of the Republic has to be renewed.

Appreciating at their due value the considerations that his Excellency presents to justify the propriety of this deliberation, the Undersigned regrets not being authorized to take the grave responsibility of the act that his Excellency requests, because this will prejudice essentially the operations of war by sea and by land which he has the orders of his Government to execute.

With this end, he shall to-morrow cause the Imperial army to march upon Monte Video, as was resolved, and he shall present himself with the squadron under his command in the port of that capital, and he will then have the satisfaction of coming to an understanding with, or having an interview with ("entenderse"), MM. the Commanders of the foreign naval forces, and with his Excellency and his colleagues, if they deign to honour him with their attention, in order to prove to them that if he be firmly disposed to continue to carry on the war which the Imperial Government accepts, and to which it was provoked, frankly and efficaciously, as Brazil has an incontestable right, and in the form with which in modern times it has been made by the great nations of Europe in every part of the world whither they have carried their arms, he is no less inclined to conciliate, as much as possible, the rights of a belligerent with the duties of humanity.

Nevertheless, in order to show to his Excellency and to his colleagues the good desires with which the Undersigned is possessed that the question, now so complicated, of the Oriental State with Brazil, since the unjust war that its ally, Paraguay, is making on us, which lays waste, without meeting with obstacles, our towns and fields of the defenceless province of Matto Grosso, may arrive at an honourable and worthy solution for the belligerents, and in conformity with the necessity for peace, the Undersigned despatches this day a steamer to be at the orders of his Excellency the Envoy of Brazil, and invites him to a Conference in the port of Monte Video, at which he shall hear the counsels of his enlightenment and of his experience; and in the meanwhile he avails, &c.

(Signed)

BARON TAMANDARE.

Inclosure 3 in No. 11.

Senhor Paranhos to Signor Barbolani.

*Special Mission of Brazil, Buenos Ayres,
January 31, 1865.*

(Translation.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, accredited on a special mission to the Argentine Republic, has the honour to reply to the note which his Excellency Signor Raphael Ulysses Barbolani, &c., addressed to him under date the 29th instant, for himself and in the name of his colleagues the members of the Diplomatic Body resident at Monte Video.

Signor Barbolani observes in his note referred to, that the executive power of the

Oriental Republic of the Uruguay, according to the terms of the respective Constitution, will have to be renewed on the 15th of February next, and that the new Government, free from all personal antecedents and from all anterior engagements, would be placed in a condition more favourable for a pacific solution of the differences which have brought about a situation so lamentable for all interests.

Resting upon this presupposition, Signor Barbolani says, the members of the Diplomatic Body of Monte Video are all agreed in believing that the best means to arrive at that desirable solution would be to give room for the election of the new head of the Government to be made with all the necessary calmness and regularity.

In consequence of this opinion, the same Diplomatic Body express the wish that the Representative of His Majesty the Emperor of Brazil should concur in the realization of so salutary an event, by lending himself to a suspension of hostilities by sea and land, and leaving matters *in statu quo* until the date above-mentioned.

The Diplomatic Body, M. le Ministre concludes, cherishes the hope that in that interval the work of pacification might be accelerated by a mediation acceptable to all the parties, and which would be the best means of averting the international, and almost infallible, complications arising out of operations directed against a town essentially commercial as Monte Video is, and in which the foreign interests and inhabitants are in a large majority.

Signor Barbolani concludes his note by expressing, in terms the most flattering to the Undersigned, the confidence nourished by him and his worthy colleagues that the Representative of Brazil will accept with the deference it deserves, an endeavour which their Excellencies consider no less conformable to the universal necessity for peace than to the opinion of their respective Governments.

The Undersigned receives with the deference due to the Diplomatic Body of Monte Video, and has taken into most serious consideration, the idea suggested by their Excellencies and the motives on which it is founded.

The Undersigned proceeds to set forth, with the urgency and frankness that the circumstances call for, his entire opinion respecting the said suggestion. Happily yesterday, on which day he received the note of Signor Barbolani, communications reached him from Admiral Baron Tamandaré, Commander-in-chief of the Imperial squadron, which enable him to know the opinion of the latter, and his entire conformity with the views of his Excellency Brigadier-General Don Venancio Flores, Chief of the Oriental forces allied to those of Brazil in the present war.

The laws of humanity and the general interests, in whose name the Diplomatic Body of Monte Video speaks, have always found, and always will find, on the part of the Imperial Government, the most benevolent sympathies and every possible deference; but it is these same laws and interests which in the present case are opposed to any expedient of which the most probable eventuality would be the prolongation of the evil sought to be averted and the continuation of its sad and pernicious effects.

The civil dissension which lacerates the Oriental State, and the war to which the Government of Monte Video provoked Brazil, both indirectly and by means of its alliance with the Government of Paraguay, have cost much precious blood and prejudiced numerous and highly important interests, not in Monte Video only, but in the whole of the Oriental State and in all Brazil.

The circulars which the Undersigned had the honour to address to the Diplomatic Body accredited to the Argentine Republic point out clearly, and with sufficient vindication, the position of Brazil in the face of the Governments with which it finds itself at war. The Governments of Monte Video and of the Republic of Paraguay, on their part, have not left the least doubt as to the sentiments by which they are governed nor as to their plans of implacable hatred to the Empire.

When so much blood has been already shed in the fields of the Oriental State and in the Brazilian province of Matto Grosso; when a great part of the Oriental nation is sacrificed to the political hatreds that reign in Monte Video; when the considerable interests, national and foreign, represented by the peace of Brazil, so unjustly and cruelly disturbed by its actual enemies, demand the prompt cessation of so lamentable a state of things, the Undersigned cannot comprehend the opportuneness, justice, or efficacy of the measure now initiated by the enlightened members of the Diplomatic Body of Monte Video.

War is a calamity which every one deplures, that prejudices every one; but unhappily it is still an inevitable necessity in the life of nations. The one now treated of is an extreme case of which the responsibility cannot with reason be imputed to the Government of His Majesty nor to the proceedings of his Representatives in the River Plate.

The city and the pacific population of Monte Video are entitled no less to the

consideration of the Undersigned than to that of Signor Barbolani and his illustrious colleagues; but the city of Monte Video, converted into a fortified town by the enemy of Brazil, cannot now enjoy an immunity which the law of nations does not concede, which no belligerent can admit, and which would render interminable a struggle it is desired to bring to an end.

The measure suggested in the note of Signor Barbolani, as being conducive to a pacific solution of the crisis in which the Government of Monte Video has placed itself with regard to Brazil, cannot inspire the Undersigned with the least confidence, even were it founded upon true principles. Signor Barbolani, however, sets out by supposing the existence of an impossible fact, which is the organization of a new Government elected in Monte Video on the 15th of next month, in conformity with the Constitution of the Oriental Republic.

Where are the legal conditions of that new Government, it being certain that the mandate has expired of those who should elect it, and a new election of Representatives cannot be entered upon during the civil war?

Even admitting that in Monte Video a new Government could be organized constitutionally, and that this were endowed with the necessary disinterestedness and prudence, it would not be permitted to correspond to the just exigencies of the present situation.

When the pacific population of that city takes to flight, not terrified by the besiegers, among whom many of the emigrating families go to seek for shelter, but from the fury of those who rule within the city, it is not reasonably given to hope that the same influences that cause so much terror will lend themselves peacefully to a solution permanent for the Republic and honourable for Brazil.

The Undersigned does not expect it; and, therefore, proceeding according to his conviction, and to the instructions of his Government, he cannot accede, on the part of Brazil, to the measure proposed by the illustrious members of the Diplomatic Body of Monte Video.

The Undersigned considers that means to be unrealizable, incompatible with the rights and the defence of the Empire, and even opposed to the especial interests of neutrals. The latter would certainly lose by the prolongation of the war and its greater severity, necessary consequences of a measure which would have for its effect to encourage the enemies of the Empire, to give them time for new preparations and aggressions in the Oriental State, in the Province of San Pedro of Rio Grande do Sul, and in Matto Grosso.

The Undersigned has pleasure in believing that his Excellency Signor Barbolani and his colleagues will do entire justice to these sentiments and this conviction, which the Undersigned expresses to them for himself and in the name of his Government, as he also hopes that MM. les Ministres will appreciate in its true light the gravity of the actual circumstances and the legitimate motives which determined the resolution of Brazil, already announced in the most solemn and deferent manner before the Representatives of all the friendly Governments.

The Undersigned, &c.

(Signed)

JOSE MARIA DA SILVA PARANHOS.

No. 12.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 15, 1865.

I HAVE the honour to forward to your Lordship a translation of a note from Dr. A. de las Carreras, requesting that orders may be given for the continuance at the London Bank here of the guard landed for its protection in the month of January last, and inquiring whether, should the Government request it, a guard would be landed for the protection of the Custom-house, or any other point that may be designated.

I have likewise the honour to inclose a copy of my answer to Dr. de las Carreras.

It will be seen that I acquainted his Excellency, first, that he is in error in stating that a guard was asked for by the Government in January last for the London Bank; and, secondly, that the case may arise when it may appear proper that a guard should be landed for the protection of the Custom-house.

With respect to the concluding request in Dr. de las Carreras' note, wherein he speaks of the possible necessity of a guard being landed "at any other spot to be designated," I could only answer that it was not in my power to give a definite reply to that application.

I have, &c.

(Signed)

W. G. LETTSOM.

Inclosure 1 in No. 12.

Señor de las Carreras to Mr. Lettsom.

(Translation.)

M. le Chargé d'Affaires,

Monte Video, February 6, 1865.

ALTHOUGH the motives have ceased owing to which, in the month of January last, the Government solicited, through Mr. Lettsom, that the Admiral of the British naval station should give a guard to the London Bank, having in view the gravity of the circumstances, and the valuable collective interests contained in that banking-house, the Government would be desirous that Mr. Lettsom should use his endeavours with the Admiral of the British naval forces in order to his being pleased to give his orders that that guard may continue to render so important a service.

At the same time the Government would be thankful if Mr. Lettsom would inform me whether in case the Government should solicit it, the Admiral would lend himself to give the necessary force, conjointly with his other colleagues, to guard the Custom-house, and any other point that may be designated.

I have, &c.

(Signed)

ANTONIO DE LAS CARRERAS.

Inclosure 2 in No. 12.

Mr. Lettsom to Señor de las Carreras.

M. le Ministre,

Monte Video, February 7, 1865.

IN reply to your Excellency's note of yesterday, I have the honour to observe that if your Excellency will have the goodness to refer to the note of the Government of the Republic dated 9th January last, it will be seen that no application was made for a guard to be landed from Her Majesty's ships for the protection of the London, Buenos Ayres, and River Plate Bank.

By an oversight a guard was stationed there, it is true, but it was shortly afterwards withdrawn; there is, therefore, no question of their still remaining there.

With respect to the landing of a guard for the protection of the Custom-house, I have the authority of the Rear-Admiral the Honourable Charles B. Elliot to acquaint your Excellency that possibly the case may arise that such a measure may be had recourse to.

With regard to the concluding paragraph of your Excellency's note, I can merely state that it is out of my power to give any definite reply thereto.

I have, &c.

(Signed)

W. G. LETTSOM.

No. 13.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 16, 1865.

I HAVE the honour to forward to your Lordship herewith copy and translation of a note Señor Ramon de Santiago, Under-Secretary of State for Foreign Affairs, acquainting me that Señor Villalba had on the 15th instant, as President of the Senate, entered on the exercise of the Executive Power of the Republic.

I have likewise the honour to transmit to your Lordship a copy of my answer to that notification.

The election of Señor Villalba as President of the Senate is generally considered as a pledge that peace will be forthwith restored.

I have, &c.

(Signed)

W. G. LETTSOM.

Inclosure 1 in No. 13.

Señor de Santiago to Mr. Lettsom.

(Translation.)

Monte Video, February 15, 1865.

THE Undersigned, Under-Secretary of State for Foreign Affairs, has the honour to address W. G. Lettsom, Esq., &c., for the purpose of acquainting him that the President

of the Senate, Señor Tomas Villalba, has this day taken possession of the Executive Power of the Republic, in conformity with the prescriptions of the Constitution of the Senate.

In thus fulfilling the instructions of the President of the Republic, the Undersigned, &c.

(Signed) R. DE SANTIAGO.

Inclosure 2 in No. 13.

Mr. Lettsom to Señor de Santiago.

Monte Video, February 16, 1865.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note of yesterday's date, wherein Señor Ramon de Santiago, Under-Secretary of State in the Department of Foreign Affairs, makes known to him that the President of the Senate, his Excellency Don Tomas Villalba, took on that day possession of the Executive Power of the Republic, in conformity with what is laid down in the Constitution of the State.

The Undersigned, &c.

(Signed) W. G. LETTSOM.

No. 14.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 18, 1865.

IT having come to my knowledge this day that certain military operations were in progress near the English Church, I addressed to Señor Ramon de Santiago, Under-Secretary of State for Foreign Affairs, the note of which I have the honour to forward to your Lordship the annexed copy.

I have likewise the honour to transmit to your Lordship a copy and translation of Señor Ramon de Santiago's answer thereto.

The letter therein spoken of, is one that Señor Villalba had addressed confidentially to Signor Barbolani, containing an outline of the conditions of peace which Señor Villalba purposed submitting to General Flores and his Brazilian ally.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure 1 in No. 14.

Mr. Lettsom to Señor de Santiago.

Sir,

Monte Video, February 18, 1865.

I BEG leave to acquaint you that it has come to my knowledge that a piece of artillery and a body of men have this day been placed close to the gate of the English Church.

I cannot but hope that it is not purposed to occupy that building and the adjacent ground as a point of defence, as in that case, should an attack of the city occur, there is but too much reason to fear the English Church would run great risk of being seriously injured, if not destroyed.

I avail, &c.

(Signed) W. G. LETTSOM.

Inclosure 2 in No. 14.

Señor de Santiago to Mr. Lettsom.

(Translation.)

M. le Chargé d'Affaires,

Monte Video, February 18, 1865.

THE President of the Republic orders me that, in answer to the note of Mr. Lettsom of this day's date, I signify to him that the note, the contents of which Signor Barbolani will make him acquainted with, will dispel the apprehensions entertained by the Legation.

I avail, &c.

(Signed) R. DE SANTIAGO.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 22, 1865.

I HAVE the honour to forward to your Lordship herewith copy and translation of a letter addressed by Baron Tamandaré to Rear-Admiral the Hon. C. B. Elliot, C.B., Commander-in-chief, announcing to him that the blockade of the port of Monte Video, which had been established by order of the Government of Brazil, was raised on the 21st of this month.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure in No. 15.

Vice-Admiral de Tamandaré to Rear-Admiral Elliot.

(Translation.)

*On board the corvette "Nitheroy, at Monte Video,
February 21, 1865.*

Most Illustrious and Excellent Sir,

I HAVE the satisfaction to communicate to your Excellency that the Convention of Peace between the Empire of Brazil and the Government of Monte Video having been signed yesterday, the blockade of this port, exercised by the naval forces under my command, is, for this happy motive, raised; and I pray your Excellency to be pleased to make it known to your Diplomatic Agent and fellow-countrymen.

I salute, &c.

(Signed) BARON DE TAMANDARE.

No. 16.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 22, 1865.

IN consequence of a request from the President of the Republic, Señor Villalba, a force of marines and sailors from the English, French, Italian, and Spanish vessels of war stationed here was landed before daybreak on the 21st instant, and proceeded to occupy the Custom-house and the Government-house, with the view of maintaining order in the city, which threatened to be interrupted owing to the utter state of demoralisation consequent on the breaking up of Señor Aguirre's Government.

The native guards were withdrawn—as had been agreed upon—on the landing of the foreign forces, the combined strength of which amounted to about 500 men.

About noon on the 21st instant, General Caraballo, one of General Flores' officers, entered the town in the character of "Commander-General." He was accompanied by a small detachment of his soldiers, who, from their appearance and comportment, inspired me but with little confidence when I saw them rush into the courtyard of the Government-house.

I thought the best thing to do was to go at once to General Caraballo, to ask what were his wishes as to the maintenance of the foreign troops at their present posts. He received me very civilly, and said that as he had to leave the town again that afternoon with his soldiers, he wished the combined foreign forces to remain where they were, till I heard from him on the matter again.

The next morning, early, I received from him the letter, of which a copy and translation are annexed, stating that in the course of the day he should send troops of the "Liberating army" to occupy the posts in question.

I have also the honour to place in your Lordship's hands a copy and translation of my answer to General Caraballo's letter.

The combined foreign forces were withdrawn, both from the Government-house and the Custom-house, on the afternoon of this day.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure 1 in No. 16.

General Caraballo to Mr. Lettsom.

(Translation.)

Sir,

(Not dated. Received at Monte Video, February 22, 1865.)

I HAVE the honour of addressing you for the purpose of acquainting you that I am this day to occupy, with forces of the Liberating party, the Government-house and Custom-house.

At the same time I make it a duty to thank the crews of the foreign stations who have done duty at the points spoken of.

I have, &c.

(Signed)

FRANCISCO CARABALLO.

Inclosure 2 in No. 16.

Mr. Lettsom to General Caraballo.

(Translation.)

M. le Général,

Monte Video, February 22, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's note, without date, but which was delivered to me this morning, wherein your Excellency is pleased to make known to me that you have to give orders that the forces under your command should occupy the Government-house and the Custom-house.

In consequence, I have made known this disposition to Messieurs the Commanders of the forces belonging to the foreign naval stations which now occupy the points spoken of, and I have the honour to acquaint your Excellency that the said forces will be withdrawn as soon as your Excellency is pleased to notify to me that you are in a position to relieve them by the force under your orders.

I avail, &c.

(Signed)

W. G. LETTSOM.

No. 17.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 24, 1865.

I HAVE the honour to forward to your Lordship herewith two printed copies and a translation of the Convention of Peace signed on the 20th instant at La Union, a town about four miles from this city, by General Flores, Señor Paranhos, the Brazilian Representative, and Dr. Manuel Herrera y Obes, the Plenipotentiary named by his Excellency Señor Villalba.

Señor Villalba ratified this Convention without delay.

The Convention bears evident marks of the extreme haste with which it was drawn up.

In proof thereof I may call your Lordship's attention to the declaration of Señor Paranhos and of Dr. Herrera y Obes, which, as will be seen from the inclosed official copy of the Convention, appear to form a part of that document itself.

The wording of the IInd Article of the Convention has, from its looseness, proved the source of much comment and distrust.

It was, I understand, the original intention of General Flores to have excluded by name, by the IInd Article of the Convention, some ten or twelve individuals from the provisions contained in the Ist Article, but Dr. Herrera y Obes persuaded him to consent to give to the IInd Article the form in which it now stands.

The consequence has been that as no one knows whether or not he is one of the persons to whom the IInd Article, as it at present stands, applies, almost all the personages of mark under the administration of President Aguirre have taken flight.

Señor Aguirre himself, the whole of his Ministers, nearly all the Generals in command here, very many of the officers, the captain of the port, the chief of police, and almost all the other notable persons of the "Blanco" party, have fled. They have betaken themselves to Buenos Ayres, or Concepcion del Uruguay in Entre Rios.

It is, as yet, too early for me to be able to acquaint your Lordship with the general effect produced in the Republic by this Convention.

I have, &c.

(Signed)

W. G. LETTSOM.

Inclosure in No. 17.

Articles of the Peace Convention.

(Translation.)

ARTICLE I.

RECONCILIATION is happily re-established among the Oriental family, or peace and good harmony between all its members, without any one of them being liable to be accused, put on his trial, or harassed for his opinions or political or military acts performed in the present war. In consequence, from this moment, civil and political equality is in vigour among all Orientals, and all of them are in the full enjoyment of the individual guarantees and of the political rights which the Constitution of the State granted to them.

ARTICLE II.

There are excepted from the stipulations of the foregoing Article both common crimes and offences, as well also as those political ones which, owing to their special nature, may be subject to the jurisdiction of the Courts of Justice.

ARTICLE III.

Until the Government and a complete Constitutional regimen are established, the country shall be ruled by a Provisional Government, presided over by his Excellency Brigadier-General Don Venancio Flores, with one or more responsible Secretaries of State, freely chosen by the said General, and who may be dismissed *ad nutum*.

ARTICLE IV.

The elections, both for Deputies and Senators, as well as for the Económico-Administrative Juntas, shall take place as speedily as possible, and immediately that the internal state of the country permits it, such elections in no case having to be omitted being carried into effect at the period designated by law.

In both elections the mode and form shall be observed which are determined by the special laws, in order to assure to all citizens the most ample guarantees for the freedom of their votes.

ARTICLE V.

All the military ranks and employments are recognized that have been granted up to the date on which the present Convention shall be signed.

ARTICLE VI.

All properties of persons compromised in the Civil contention which may have been occupied or sequestered by general or special dispositions of the contending authorities shall be immediately delivered to their owners, and placed under the guarantee of Article 144 of the Constitution.

ARTICLE VII.

Immediately after the conclusion of the present Convention all the National Guards that are in active military service shall be discharged, and their arms shall be collected and deposited in the customary form at the suitable offices.

ARTICLE VIII.

The present Convention shall be considered definitively concluded, and shall have immediate and full execution, as soon as the acceptance thereof on the part of his Excellency Don Thomas Villalba is established in an authentic manner; this acceptance shall be given and communicated within twenty-four hours after it has been signed by the negotiators.

The Minister of His Majesty the Emperor of Brazil having been heard with respect to the above-mentioned Articles, his Excellency declared that the Agreement entered into by the ally of Brazil could not but be applauded by the Imperial Government, which would see therein reasonable and just bases for Oriental reconciliation, and a solid guarantee for the legitimate designs which obliged the Empire to enter upon the war which happily was about to conclude.

There having been previously offered to Brazil by his Excellency Brigadier-General Don Venancio Flores, as its ally, the just reparation that the Empire had demanded prior

to the war, and the Imperial Government putting full trust in the friendly and honourable agreement established by the notes of the 28th and 31st January last, spontaneously initiated by the illustrious General who is about to assume the Supreme Government of all the Republic, the Representative of Brazil declared that he demanded nothing more in this respect, considering that the dignity and rights of the Empire are maintained without infringing on the independence and integrity of the Republic, or the harmony of the pacific and conciliatory policy that was about to be inaugurated in this country.

His Excellency Dr. Don Manuel Herrera and Obes declared that it was grateful to him to hear the moderate, just, and benevolent sentiments which his Excellency the Minister of Brazil had expressed with respect to the Oriental nation; that he had pleasure in recognizing that in the agreement contained in the notes to which the Minister refers, for authentic copies whereof he thanked him, there is nothing that is not honourable to both parties; and that that agreement being an engagement which it will fall to the Provisional Government, of which Brigadier-General Don Venancio Flores will be the Chief, to give effect to, he could not oppose the least difficulty to the celebration of peace between the Orientals, and between them and Brazil.

And all being in accordance as to the present Protocol, three copies were drawn up, which were signed by the negotiators.

Done at the town of La Union, on the 20th day of the month of February, 1865.

(Signed)

VENANCIO FLORES.

JOSE MARIA DA SILVA PARANHOS.

MANUEL HERRERA Y OBES.

No. 18.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 24, 1865.

I HAVE the honour to forward to your Lordship herewith a translation of a letter of Señor José Candido Bustamante, transmitting to me a certified copy of a Decree issued by Brigadier-General Flores, announcing that he has re-assumed the Supreme Magistracy of the Republic, and that a Provisional Government is established.

I have further the honour to transmit to your Lordship a translation of the Decree in question.

I also place in your Lordship's hands a copy of my answer to Señor Bustamante's letter.

I have, &c.

(Signed)

W. G. LETTSOM.

Inclosure 1 in No. 18.

Señor Bustamante to Mr. Lettsom.

Provisional Government, Union, February 22, 1865.

(Translation.) I HAVE the honour to place in the hands of Her Britannic Majesty's Chargé d'Affaires the annexed certified copy of the Decree issued under the date of yesterday, by which remains established the Provisional Government created in virtue of the Convention celebrated on the 20th instant.

I avail, &c.

(Signed)

JOSE C. BUSTAMANTE.

Inclosure 2 in No. 18.

Decrée.

(Translation.)

CONSIDERING that, in virtue of the Convention celebrated on the 20th instant, the supreme magistracy of the Republic has become centered in my person, the Provisional Government is declared established from this date, all its acts to be authorized by Señor José C. Bustamante, as Secretary *ad interim*. This to be published and circulated to the Diplomatic and Consular Agents.

Town of Union, February 21, 1865.

(Signed)

V. FLORES.

Inclosure 3 in No. 18.

*Mr. Lettsom to Señor Bustamante.**Monte Video, February 23, 1865.*

THE Undersigned, &c., has had the honour of receiving, with the letter of Señor C. Bustamante of the 22nd instant, a certified copy of a Decree of the 21st of this month, whereby it is made known that, in virtue of the Convention signed on the 20th instant, Brigadier-General his Excellency Don Venancio Flores has re-assumed the supreme magistracy of the Republic, and that the Provisional Government has been established on that date.

The Undersigned begs to express to Señor Bustamante his thanks for that important communication, with which he will lose no time in making Her Majesty's Government acquainted, and he avails, &c.

(Signed) W. G. LETTSOM.

No. 19.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 24, 1865.

I HAVE the honour to forward to your Lordship herewith a translation of a letter which I received from Señor Villalba, subsequent to the entry of the "Colorado" party, thanking me for the support which I gave to him during the time he was in the exercise of the executive power.

I have likewise the honour to transmit to your Lordship a copy of my reply to Señor Villalba's letter.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure 1 in No. 19.

Señor Villalba to Mr. Lettsom.

(Translation.)

Monte Video, February 21, 1865.

I HAVE the honour to make known to you that, in conformity with the stipulations of the Convention of pacification agreed upon with Brigadier-General Don Venancio Flores and the Representative of the Emperor of Brazil, I have resigned the executive power with which I was charged, as President of the Senate, to the said Brigadier-General Flores, chief of the Provisional Government, who will govern the Republic henceforth until the Constitutional Government is re-established.

In making this notification to you, I have the satisfaction to accompany it with expressions of my highest gratitude for the co-operation which you worthily and generously gave in order to obtain the result which has put an end to the calamities which the Republic was suffering.

Do not doubt, Sir, that in the mind of the public of this country there will be always fresh those sentiments of gratitude, which likewise animate me, towards you, who have done so much in favour of the interests of all the inhabitants of the Republic, and of those of this city in particular.

I fulfil my grateful duty of giving you this assurance in the character of Chief of the Government of Republic that has just come to a close, and I am certain that I am also the echo of the sentiments of all of its inhabitants.

Be pleased, Sir, to accept the expression of the sentiments which I have set forth to you above, and at the same time the assurance of my highest consideration.

(Signed) THOMAS VILLALBA,

Inclosure 2 in No. 19.

Mr. Lettsom to Señor Villalba.

Sir,

Monte Video, February 24, 1865.

I HAVE received this morning the letter of the 21st instant, wherein you announce to me that you have, in consequence of the Convention signed on the preceding day, made over to Brigadier-General Flores the executive power with which, as President of the Senate, you had been charged.

In the same letter you are pleased to convey to me the expression of your gratitude for the co-operation which, as you tell me, you received from me in arriving at the result which has put an end to the calamities to which the Republic was exposed.

It is truly grateful to me, Sir, to receive this signal mark of approbation from a person of your high character, and whenever I think over the occurrences of the last few days it will be a source of satisfaction to me to remember that any support which my official position enabled me to afford to you, as President of the Republic, was given to the individual whom the universal voice of his countrymen selected as the sole person capable of averting the evils with which the Republic was menaced, and I avail myself, &c.

(Signed) W. G. LETTSOM.

No. 20.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 28, 1865.

BRIGADIER-GENERAL FLORES made his entry into this capital on the morning of the 23rd instant, accompanied by several of his officers and a considerable number of his soldiers.

His reception, except among his immediate adherents, was not very enthusiastic. This, I conceive, is to be attributed to his arrival as an ally of Brazil.

A considerable Brazilian military force is at present quartered in Monte Video; from all I can learn, their conduct appears to be admirable, and I am happy to be able to add that, unpopular as the Brazilians may be here, I have not heard of a single instance of either a Brazilian officer or soldier being in any way insulted.

I have, &c.
(Signed) W. G. LETTSOM.

No. 21.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 28, 1865.

I HAVE the honour to forward to your Lordship herewith copy and translation of a letter from Señor Bustamante, Secretary *ad interim* of the Provisional Government transmitting to me a Decree, of which copy and translation are likewise inclosed, annulling the Diplomatic Mission, to Her Majesty's and other European Governments, with which Don Candido Juanico was charged by the Government of the late President Aguirre at the close of January last.

General Flores has placed in my hands the accompanying letter, addressed to Señor Juanico, begging to request your Lordship to be so kind as to cause it to be delivered to him, should your Lordship be acquainted with his address, the Government here not having any information upon that point.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure 1 in No. 21.

Señor Bustamante to Mr. Lettsom.

(Translation.)

M. le Chargé d'Affaires,

Monte Video, February 28, 1865.

I HAVE the honour to annex hereto, praying that you will be pleased to communicate the same to the Government of Her Britannic Majesty, a legalised copy of the Decree issued this day by his Excellency the Provisional Governor, ordering to cease the mission confided by the late Government to Don Candido Juanico.

I salute, &c.

(Signed)

JOSE C. BUSTAMANTE.

Inclosure 2 in No. 21.

Decree annulling the Mission of Señor Juanico.

(Translation.)

THE Provisional Governor of the Republic considering that the mission confided by the fallen Government in this city to Don Candido Juanico has no reason for its existence, inasmuch as it is wanting in its means and in its ends in the character of truth that ought to attach to every mission, since the independence and integrity of the Republic have never been attacked by the allied armies, but, on the contrary, these have come to fortify and maintain them in all their strength; and that mission being, on the other hand, one of the deplorable and immoral acts of the fallen Government—

Decrees—

Art. 1. That the mission confided to Don Candido Juanico, to the Courts of England, France, Spain, and Italy, be declared without effect.

2. That Don Candido Juanico and the other employés who accompanied him be ordered to return to the National Treasury the funds they have received therefrom, excepting the amount of passage moneys to Europe.

3. Let this be communicated, published, and given to the competent registry.

Monte Video, February 28, 1865.

(Signed)

VENANCIO FLORES.

JOSE C. BUSTAMANTE.

No. 22.

Mr. Lettsom to Earl Russell.—(Received April 5.)

My Lord,

Monte Video, February 28, 1865.

BY a Decree of this date, his Excellency General Flores, Provisional Governor, has appointed the following persons to form his Ministry:—Minister for Foreign Affairs, Dr. Don Carlos Castro; Minister of the Interior, Dr. Don Francisco Antonino Vidal; Minister of Finance, Don Juan Ramon Gomez; Minister of War and Marine, Colonel Don Lorenzo Batlle.

I have, &c.

(Signed)

W. G. LETTSOM.

No. 23.

The Secretary to the Admiralty to Mr. Hammond.—(Received April 7.)

Sir,

Admiralty, April 6, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a duplicate letter from Rear-Admiral the Hon. Charles Elliot, dated the 11th February, with its inclosures, relating to the state of affairs in the Oriental Republic of Uruguay and the blockade of Monte Video by the Brazilian squadron.

I am, &c.

(Signed)

C. PAGET.

Inclosure 1 in No. 23.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Triton," Monte Video, February 11, 1865.

IN continuation of my letter of the 28th January last, on the state of affairs in the River Plate, I have the honour to acquaint you that after landing troops at the mouth of the Santa Lucia River, about fifteen miles from Monte Video, the Brazilian Vice-Admiral Baron de Tamandaré arrived at this anchorage, having most of his squadron with him. I called upon him on board his flag-ship the "Nitheroy," and, as previously arranged, Rear-Admiral Chaigneau, the French Commander-in-chief, called upon him at the same time, as did Commodore Martini, commanding the Italian squadron. We used such arguments as we could to urge upon Baron Tamandaré the importance of avoiding injury to the town and population of Monte Video while carrying on military operations against the place. He said he was most anxious to do so, and to respect the rights and interests of neutrals, and he assured us that in the event of an attack he would confine the operations of the ships' guns to an enfilading fire upon the lines of defence (which the garrison has drawn across the peninsula from sea to sea close outside the town), unless, he added, fire were first opened upon him from other parts of the town, in which case he would be compelled to return it. He said he wished to show that while carrying on the military operations necessary to insure success to their arms, he knew how to do so in accordance with the rights of humanity and the protection due to neutral interests.

2. He acquainted us that the following day he would establish a blockade of the port of Monte Video. Accordingly, on the 2nd instant I received a letter from him of that date (which with a translation is inclosed), reviewing the position of his Government in regard to the Republic of Uruguay, and explaining from his point of view the causes of the war now waging between the two Powers, and also acquainting me that from that day forward "the port of Monte Video is blockaded, and the term of seven days from that date given for the merchant-vessels in port to clear out from the inner roads and anchor out of the port in such a position as will not embarrass the operations, remaining there the necessary time to complete their cargoes, provided these are received from outside the town." I inclose a copy of my reply; the French Admiral, the Italian Commodore, and Spanish Commander having agreed to write to the same effect.

3. The inner roads is now nearly clear of shipping and many thousand people have left the town. To facilitate the removal of those who wish to go, Her Majesty's ships and the vessels of war of other nations have been employed to convey the refugees to places of safety.

4. The term of seven days at first named by Baron Tamandaré, for the vessels to clear out, and which would have expired on the 9th instant, has been extended to the 15th instant.

5. General Flores with his forces, and the Brazilian army, amounting to about 6,000 men, are now before the town.

6. It is almost universally admitted by the besieged that resistance is hopeless; nevertheless it is still insisted upon by the Government.

7. President Aguirre, upon whom, as President of the Senate, the duty of the head of the State devolved for a year, completes his year of office on the 15th instant. It is believed that on that day, if not before, he will retire, and that overtures will be made to General Flores. There is consequently every indication of arrangements being come to without any attack being made upon the town, where the defenders are being much reduced in numbers by desertion.

8. Much alarm exists in the town, disorders and pillage being anticipated even in the event of the retirement of President Aguirre and his Government. A large proportion of the foreign community and much valuable property belonging to them remain in the place, and it may become necessary for the marines and a body of seamen to be landed to assist in protecting them and maintaining order. Baron Tamandaré, with whom I had a conversation yesterday, foresees the difficulty there may be in keeping order amongst the troops of the combined forces if they are admitted into the town; and he fully enters into the advantage there may be in the foreign community and the Government of the moment being supported in such a case by armed forces from the ships. I am prepared to act in concert with Admiral Chaigneau and the other neutral Commanders in case of an emergency of that nature. The Baron told me he is expecting a police force of 800 men from Rio de Janeiro, and 400 from Bahia, which he

hopes will arrive in time to enable them to keep order within the town, and obviate the necessity of the troops coming beyond the suburbs.

I have, &c.
(Signed) CHAS. B. ELLIOT.

Inclosure 2 in No. 23.

Vice-Admiral de Tamandaré to Rear-Admiral Elliot.

(Translation.)

Most Excellent Sir,

*On board the corvette "Nitheroy," Monte Video,
February 2, 1865.*

TRANSMITTING to your Excellency copies of the notes passed by the Envoy Extraordinary of His Majesty the Emperor of Brazil my august Sovereign in special mission to the Government of the Argentine Confederation to that Government, and to his colleagues of the diplomatic corps resident in Buenos Ayres, I consider it my duty to occupy the attention of your Excellency for a few moments with a frank and short exposition of the facts that have created the situation in which my Government actually stands in relation to that of Monte Video.

So numerous and succeeding were the insults and violences suffered by the Brazilians settled in great numbers in the country districts of the Oriental State, that the Imperial Government, in order to an end that intolerable situation, was obliged to send a special mission to make a last friendly appeal to the Oriental Government. This mission used all efforts, as is publicly notorious, to re-establish peace in the Oriental community, dilacerated by a civil war, as prejudicial to it as to neutrals, and principally to Brazil, in consequence of being a neighbouring country, and having radicated in the soil of the Republic valuable properties, and a numerous and rich population. This peace being insured, it would have been easy to come to a solution of the international question that we were obliged to raise, honourable and condign to both countries, whose principal interest is to cultivate the most cordial relations, on account of the reciprocal advantages that result to both from them.

All the noble efforts of the illustrious Brazilian Envoy were foiled by the obstinacy and short sightedness of the President of the Republic and his Government, who would only accept the exclusive triumph of their ideas and of their party, refusing any attention to the just claims of a friendly Government, which, if to be accused at all, it can only be of longanimity and patience, for not being willing to resort immediately to extreme measures, which they were obliged to adopt in order to save their offended honour and dignity.

Undeceived at last as to coming to an accord with that Government that lived in self-created illusions, the Brazilian Envoy presented his ultimatum, in which it was solemnly declared that if Brazil did not receive the satisfaction to which it had an incontestable right, it would do itself justice by its own hands, giving orders to the land and naval forces to make reprisals, and even to aggravate the character of the measures that were to be authorized, if the attitude assumed should prove insufficient to obtain all that, in its name, was solicited in the note of the 18th May.

Neither discussion nor menaces produced any effect on the prejudiced mind of the Government of Monte Video, who took the serious resolution to devolve that ultimatum accompanied by an audacious note, upon which the Brazilian Envoy took his departure, expediting his orders alluded to, to the army and navy.

Charged with the arduous mission of employing coercive measures against the said Government, and aware of the intentions of my Government, whose will it was that they only should be the sufferers from the grievous consequences of these measures, I exacted in the first place that the war-steamer "General Artigas" that was lying in this port, and was usually employed in transporting troops, armaments, and ammunition, should be retained in activity.

This ex-gency having been made known to President Aguirre by the resident Minister of Brazil, his Excellency promptly acceded to it, and even expressed gratitude for the benevolence of which I was giving proof. Emboldened by this acquiescence, which appeared to me to indicate an approximative movement and a desire to proceed reasonably, I demanded that orders should be expedited to all the authorities that due protection should be given to Brazilian subjects as guaranteed them by the law of the Republic, and at the same time that all those who were serving by force in the army of the Oriental State should obtain their discharge. Promises were given me that orders to that effect should be immediately imparted, but I had the mortification to ascertain that they were

made illusory under slight pretences that revealed the intention of gaining time in order to demoralize the action of Brazil which was not felt with the necessary vigour, and so much was this their object that even the official press revealed it, declaring that we would not attempt to put into execution our menaces.

It was found convenient to act with more rigour, and consequently I then declared that also the steamer "Villa del Salto," then laying in the River Uruguay, chartered by the Government for public service, should be detained in activity in one of its ports; I received a refusal to this demand, and was forced into the obligation of ordering her capture in conformity with the notice I previously directed to be given to President Aguirre in person.

The cause of this refusal is perfectly well known; it was purposely planned by the Ultra faction, which was obtaining the direction of the Government, to see if by that means, and the conflict that would result with our squadron, they could precipitate the outbreak that secretly was being promoted in the Argentine Provinces of Corrientes and Entre Rios, and in the Republic of Uruguay.

Notwithstanding all this, the unnecessary burning of this steamer, and the deliberation of the Government of Monte Video to give his passports to the resident Minister of Brazil, the withdrawing of the Consular Agent's patent, and shutting the ports of the Republic to the Brazilian vessels of war, Paraguay did not move then, limiting itself to renew its menaces, neither the said provinces which continued faithful to the national authorities.

In the meantime the situation became more and more complicated, and exacted that the coercive measures should be more severe in conformity with what the Brazilian Government had announced. Up to that time the Government of Monte Video had suffered very little from the effect of the reprisals, and besides the new offence enacted towards us on all sides, they provoked us enemies, perturbing the peace of this continent in a deplorable manner, and preparing by their dark machinations a general conflagration that would involve four of the principal States of South America. It was no longer possible to entertain the least hope of calling to reason and justice this Government so entirely hallucinated, and recourse to arms became indispensable.

On the strength of these considerations the attack upon the towns of Salto and Paysandú was resolved, in order to dislodge the authorities dependent on the said Government.

Wishing to avoid the accumulation of warlike resources in those places, which would render that operation more difficult and cause a useless effusion of blood, I had the honour to address the Diplomatic Agents resident in Monte Video (on whose impartiality I ought to rely) a confidential circular requesting each one of them that, in the common interest, they should prohibit the transport of munitions of war and troops, in the merchant-vessels under their respective flags, seeing that they alone were then employed in this service; at the same time I communicated to them that resolution of the Imperial Government. These thoughts were badly comprehended by them, perhaps because I was not sufficiently explicit in my note. I had the dissatisfaction of receiving a negative answer in which they attributed to me the intention of wishing to arrogate to myself the right of search, and I was obliged to employ a stronger measure in order to arrive at the same result; this measure was the blockade of the ports of Salto and Paysandú, notified by circular of the 26th October last.

All know the good effects of this blockade, in which not a single prize was made, and in which, on the part of the Brazilian squadron, there was every indulgence and condescension towards neutrals, as will be testified by the vessels of war of the different nations that were in the centre of action, as it suited me that they should be present.

When the opportunity arrived of taking the town of Paysandú all know what were the proceedings of the Imperial forces, allied to those of General Flores, who taking his point of departure from a different road, found himself through the course of events leagued with us in the common purpose of hostilizing the Government of Monte Video.

Before firing a single shot against that place, General Don Leandro Gomez, who commanded it, and against whom we had then the most vivid complaints, not only for having there ordered a Brazilian subject whom he forced into the service, to be publicly flogged, but also for putting himself at the head of the bands that came to the port with music almost every night to insult us, received a communication from the Commander-in-chief of the Liberating Army, proposing to him its surrender under the condition of the honours of war being conceded to him and to all officers.

The answer given by that General to this humane and honourable proposal was to order two shots to be fired upon its inoffensive bearer.

The terms conceded to the families to evacuate having expired, hostile operations

commenced, in which all my efforts and those of the General of the Liberating Army were to cause the least possible damage to the town.

Even after the allied army was reinforced by a division of the Imperial army of 7,000 men, new proposals, with the same honourable conditions, were presented to the proud and pretentious Chief who commanded at Paysandú, who was not ashamed to confess in his official despatches that he had received the flag of truce with ball, and had shot the prisoners that had unfortunately fallen into his power. It would be long to enumerate all the acts of barbarity practised during the siege of Paysandú by this man, who prided himself in disregarding the laws of war so solemnly observed by his adversaries, whose humane and compassionate proceedings formed a perfect contrast to his own. It suffices to relate one that gives the measure of all the others, and that reveals the fate that would have befallen the besiegers if, by any fatality, victory should have decided for so cruel an adversary.

A drummer of the gun-boat "Ivahy," that formed part of the garrison of the marine battery established at Boa Vista, lost himself and fell into the power of the besieged. On the following day the head of this unfortunate was seen from the battery upon a pole, placed in a position from which it could be perfectly recognised from the short distance between that battery and the outposts of the enemy. It is difficult to describe the horror and indignation of the comrades of that unfortunate man, who vowed revenge on the assassins they had in their front. Even then the desire to economise further effusion of blood and to diminish the misfortunes of war was so intense that all the attempts at mediation that were offered were always benevolently accepted by the commanders of the allied forces. These generous efforts, nevertheless, were of no avail to the garrison of Paysandú owing to the criminal tenacity of their Commanders, who alone are responsible for all the evils that befell them.

It was necessary, therefore, to take the place by force of arms, with losses sufficiently painful to the besiegers, who even at this supreme moment of exasperation showed the greatness of the principles for which they combated, and of the nobleness of their character.

Numerous officers and soldiers taken prisoners in the ardour of the combat with arms in their hands were generously set at liberty by the victors, who had a moment of lively pleasure when hearing the exclamations of ardent acknowledgments and gratitude manifested publicly by the vanquished to their magnanimous adversaries, but which many of them have already forgotten, calumniating us in official despatches that circulate in print to the shame of the authors, or by again taking up arms against us. In the meantime the Government of Monte Video, who abandoned those defenders of their cause to their fate, commenced in the capital the greatest excesses against Brazil and the Brazilian residents, whom they have pretended even to oblige to take up arms against their country.

All these acts justify the hostilities that the empire actually practises against the said Government, which allying itself with the Republic of Paraguay, and impelling her to declare war against us, is responsible for the barbarous invasion that the forces of that Republic have just effected in the undefended province of Matto Grosso, which was reposing tranquilly under the faith of the Treaties subsisting between the two countries.

Those are, Admiral, the strong and potent reasons that oblige the Imperial Government to come to take a satisfaction becoming a civilized nation, of a Government that has thus constantly provoked it, and that has constituted itself in a permanent menace against all the interests implanted in these countries by its alliance with all the elements of crime and barbarism with which it surrounds itself, and upon which it counts for its defence; and it is only a national reparation that we now exact, with arms in hand, as an act of humanity and civilization, the war we sustain against a Government that burn public Treaties, commissions bands of robbers to burn, take, and assassinate on the frontiers of Brazil, and that publicly despoils the banking establishments, and the national and foreign population.

The mission, therefore, of the Imperial army and navy, united to the liberating army, on their appearing before Monte Video, the only point in the Republic that has not yet submitted to the authority of the distinguished chief of the Oriental revolution, representing the principles of order and liberty for his country, is well defined.

In the exercise of the rights of war that the law of nations accords us, it is our intention to do the least possible harm to private interests, whether appertaining to nationals or to neutrals, without prejudice to the necessary operations that are to be carried into effect, to do the greatest possible damage to the enemy in the points he has selected for his defence in the centre of the town, which I consider it proper to make known to your Excellency, in order for you to take the resolutions that your Excellency

may think proper with regard to your Excellency's countrymen resident in this place, that cannot resist the superior forces that are going to attack it by land and sea.

I have, at the same time, to advise your Excellency that from this day forward the port of Monte Video is blockaded, and the term of seven days, to be counted from this date, given for the merchant-vessels in port to clear out from the inner anchorage, and anchor out of the port, in such a position as will not embarrass the operations, remaining there the necessary time to complete their cargoes, provided they are to be received from outside of the town.

Having fulfilled the end I proposed to myself in addressing to your Excellency this communication, of which you will be pleased to acquaint your Excellency's Government, I avail, &c.

(Signed) BARON TAMANDARE.

Inclosure 3 in No. 23.

Circular addressed by Senhor Paranhos to Foreign Representatives, January 19, 1865.

[See Correspondence presented to Parliament, March 13, 1865; Inclosure 1 in No. 77.]

Inclosure 4 in No. 23.

Senhor Paranhos to Señor Elizalde, January 18, 1865.

[Ibid., Inclosure 2 in No. 77.]

Inclosure 5 in No. 23.

Rear-Admiral Elliot to Vice-Admiral de Tamandaré.

Sir,

"Satellite," Monte Video, February 4, 1865.

ON account of the length of the document, and the difficulty of translating it, I have had to delay till to-day acknowledging the receipt of your letter of the 2nd instant, which you did me the honour to send to me that afternoon. Without entering into the causes which have given rise to the unfortunate differences between the Government of the Empire of Brazil and that of the Oriental Republic of the Uruguay, and which have unfortunately led to war between two countries in amity with England, I will only reply to those passages in that note and to those subjects which are of such a nature as to affect our very important commerce, and our numerous countrymen in Monte Video.

The blockade of Monte Video and the attack which your Excellency intends to make upon that place being in accordance with the law of nations, I can, in respect to it, only observe the strictest neutrality, and as it is to be wished that that state of things, as unfortunate and fatal to tranquillity as to the interests of neutrals, should be resolved as quickly as possible, I think that the delay of seven days will be sufficient to enable the vessels to clear out of the inner roads.

With respect to the many English residents established at Monte Video, and who, that they may look after their property and interests, will not be able to leave the town, I shall endeavour to calm their fears and their uneasiness by communicating to them the passage in your letter, where you say, "we have the intention to do the least harm possible to private interests, whether of natives or of neutrals, without prejudice, however, to the necessary operations which have to be carried out to cause the greatest harm possible to the enemy, on the points which he has chosen for his defence in the centre of the city;" and in telling them the language you held towards us during the visit which the Commanders of the European squadrons had the honour to make to your Excellency on board the "Nitheroi," when you said and assured us that you would know how to reconcile the rights of humanity, and the protection of the interests of neutrals, with those required for the success of your arms.

No one is more convinced than I am that your Excellency is animated with these sentiments, and, indeed, that you are in respect to your engagements on that point both firm and determined. I am equally convinced that you will know how to ensure the punctual execution of your orders by your subordinates, and that the captains of your vessels, as well as the honourable Chief who commands them, will never lose sight of the fact that the town of Monte Video is essentially commercial, without defence, inhabited

by Europeans, the allies of their country, and to whom they ought to avoid doing any unnecessary injury. I firmly hope, therefore, from the generous views inspired by your Excellency that the guns of the ships of war will not be used, except against the points seriously defended, and which shall have opened fire from their artillery. I am equally certain that you and your allies will always know how to unite moderation to military valour; and with the conviction that in these hopes I shall not be mistaken, I have, &c.

(Signed) CHAS. B. ELLIOT.

No. 24.

The Secretary to the Admiralty to Mr. Hammond.—(Received April 7.)

Sir,

Admiralty, April 6, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 15th February last from Rear-Admiral Elliot, containing his further Report on the state of affairs at Monte Video.

I am, &c.

(Signed) C. PAGET.

Inclosure in No. 24.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Triton," Monte Video, February 15, 1865.

SINCE my letter of the 11th instant, no change of importance had taken place up to last night in the state of affairs at Monte Video, but a crisis is now expected, for the extended time granted by Baron de Tamandaré for vessels to clear out of the inner harbour, and for families to leave the place, expires to-day, as does also the year of office of the President.

2. The Senate was to have met at noon yesterday to proceed to the election of a President who should succeed President Aguirré.

With the view of preventing the election of Señor Villalba, who was known to be prepared to come to an understanding with General Flores, intimidation was successfully used, instigated, it is said, by Dr. de las Carreras and others, and sufficient numbers did not then assemble. The Senate has since met, but I am not aware with what result.

3. I now learn that Señor Susviela, the Minister of War, has been dismissed, and that Dr. de las Carreras, the Minister for Foreign Affairs, and the mainspring of the Government, has resigned, or is dismissed.

4. Without being able to give their Lordships further particulars, I may add that there is now every reason to believe that a peace policy will be carried, and that thus Monte Video will escape the lamentable consequences which might follow an opposite decision.

5. At the requisition of Mr. Lettsom, a guard of twelve men was landed yesterday for the protection of the English and Portuguese Legations. Mr. Lettsom now informs me he no longer requires them.

Guards were also landed from the other foreign ships of war at their respective Legations.

I have, &c.

(Signed) CHAS. B. ELLIOT.

No. 25.

The Secretary to the Admiralty to Mr. Hammond.—(Received April 7.)

Sir,

Admiralty, April 6, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral the Honourable Charles Elliot, dated the 22nd February, with copies of its inclosures, relating to the state of affairs and proceedings at Monte Video resulting in the restoration of peace between Brazil and the Republic of Uruguay, and in the raising of the blockade of Monte Video.

I am, &c.

(Signed) C. PAGET.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Triton," Monte Video, February 22, 1865.

I HAVE the satisfaction to acquaint you, for the information of the Lords Commissioners of the Admiralty, that peace has been restored between Brazil and the Republic of Uruguay, and that the threatened attack upon Monte Video has been avoided.

2. I acquainted their Lordships in my letter of the 15th instant of the probability of Señor Villalba being elected President of the Senate, and that he had declared his intention, if elected, of negotiating with General Flores. His election took place that day, as was expected. His position was one of extreme difficulty, but he adhered to his declared intention, and sent persons in his confidence to communicate with General Flores, who, however, rejected the terms thus submitted to him. Appreciating the difficulties of his position, Señor Villalba eventually agreed to the inclosed terms.

3. Though the garrison was being greatly reduced by desertion, much uneasiness existed in the town, and with reason; some influential military commanders aiming to supplant Señor Villalba and the peace party by a military Dictatorship, and some of the ultra-Blanco party of the ex-Government also continuing a plot against him.

4. Monte Video has reason to thank Señor Villalba for the courage and firmness he displayed in boldly carrying through the negotiations which led to the capitulation of the town, and which restored peace to the country, without the lamentable consequences that would have followed an attack upon the place.

5. On the morning of the 18th, while negotiations continued, though terms were nearly agreed to, I received a communication from Mr. Lettsom acquainting me that the Government, fearing the entry of Flores would be opposed by part of the garrison, and that disturbances might arise amongst the troops on the lines, had the evening before officially requested the Diplomatic Body to address themselves to their respective Commanders of naval forces to ask them to have men landed for the protection of the Custom-house, banks, &c. Mr. Lettsom was of opinion that the request of the Government ought on this occasion to be complied with. I entirely concurred with Mr. Lettsom in thinking the time had come when the neutral Powers might act with effect in supporting the Government in its endeavours to maintain order and bring about peace.

6. Rear-Admiral Chaigneau and the Commanders of the Italian and Spanish squadrons having immediately met on board the "*Triton*," my flag-ship, arrangements were made for landing men. I then proceeded with the French Admiral to see Baron de Tamandaré that we might make him acquainted with the proposed arrangements. He had before told us he had no objection to the neutral ships landing men on such an occasion; he, on the contrary, thought much good might arise from it, and he now renewed to us what he had before said, and thanked us for the steps we proposed taking. At 1 P.M. that day a combined force of 462 men from the different ships were simultaneously landed at the Custom-house,* and the gun-boats moved close in to support them. Guards were placed at the banks and Legations. This step gave confidence and support to the Government and the advocates of order.

7. On the 20th instant the terms of peace were finally signed, but not made generally known, and the Government were still in a position of extreme danger and difficulty, for Señor Carreras, the leader of the late Government, the late President, military chiefs and others, were known to be still intriguing, and there was reason to apprehend disturbances amongst some of the troops. In this emergency Señor Villalba applied, through the Diplomatic Body, for some of the neutral forces to be sent to the "fort," or Government buildings, in which are his official residence and the public offices. This request was complied with: 226 men of the allied neutral forces were marched up before daylight on the 21st, and were formed in quiet occupation of the place before any useless disturbance could arise from the promulgation of the terms of the Treaty.

8. That morning the Custom-house was a place of refuge for those who sought to leave the place, and many hundred persons came there to embark on board the neutral vessels, whose boats were in waiting. The ex-President, many of the late Ministry and leading military men of that party were amongst the number of those who embarked that morning and during the previous night. The cause of that party was, therefore, perfectly hopeless; but the presence of our forces at the Custom-house and "fort" were no doubt instrumental in preventing anarchy and in preserving the peace of the town.

9. The troops of General Flores, under the command of General Caraballo, entered the town quietly in the course of the day.

* English—Marines, 78; seamen, 92; total, 170. French, Spanish, and Italian, 292; grand total, 462.

10. The respective Commanders of the neutral squadrons had an interview Señor Villalba, who thanked us for the services performed by our crews. General Caraballo soon afterwards had an interview with Señor Villalba, and the latter afterwards resigned his post and left the fort. General Caraballo also thanked us for the services of our people, and requested that they should remain in the "fort" and in the Custom-house till the following day.

11. To-day the whole of the allied neutral forces, with the exception of guards at the banks and Legations, re-embarked.

12. I trust their Lordships will approve of the course I have pursued on the present occasion when an attack on the town has been so happily obviated. A little less firmness on the part of Señor Villalba, or the absence of the support he received from the neutral Powers, would inevitably have led to lamentable consequences, though nothing would have prevented General Flores and the Brazilians getting into the town by force.

13. I received information from Baron de Tamandaré (whose letter I inclose) of the blockade of this port being raised on the 21st instant.

I have, &c.
(Signed) CHAS. B. ELLIOT.

P.S.—Since writing the above I have received the inclosed letters from Señor Villalba and from General Caraballo, on the part of General Flores, acknowledging the services of the crews of the neutral ships.

C. B. E.

Inclosure 2 in No. 25.

Vice-Admiral de Tamandaré to Rear-Admiral Elliot.

(Translation.)

Most Illustrious and Excellent Sir,

*On board the corvette "Nitheroy," Monte Video,
February 21, 1865.*

I HAVE the satisfaction to communicate your Excellency that the Convention of Peace between the Empire of Brazil and the Government of Monte Video having been signed yesterday, the blockade of this port, exercised by the naval forces under my command, is, for this happy motive, raised; and I pray your Excellency to be pleased to make this known to your Diplomatic Agent and fellow-countrymen.

I have, &c.
(Signed) BARON DE TAMANDARE.

Inclosure 3 in No. 25.

Señor Villalba to Rear-Admiral Elliot.

(Translation.)

Admiral,

Monte Video, February 21, 1865.

BEFORE giving up power, I wish to manifest to your Excellency my lively thanks for the powerful assistance which your Excellency was pleased to give me to maintain public order and secure the tranquillity of this place in the last days of my government.

It will always be my duty to acknowledge this valuable service your Excellency lent to my authority and to the people of this place, with all the nobleness of mind and disinterestedness which belongs to the English nation and to its valiant soldiers.

I beg your Excellency, then, to be pleased to accept the expressions of these sentiments, and to make known to all the Chiefs, officers, and troops my complete satisfaction for the exemplary conduct which they displayed and the admirable manner with which they have interpreted the noble and generous sentiments of your Excellency in placing them at my disposal.

I am, &c.
(Signed) THOMAS VILLALBA.

Inclosure 4 in No. 25.

General Caraballo to Mr. Lettsom.

[See Inclosure 1 in No. 16.]

No. 26.

The Secretary to the Admiralty to Mr. Hammond.—(Received April 7.)

(Extract.)

Admiralty, April 6, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Russell, that a letter has been received from Rear-Admiral Elliot, of the 28th February last, reporting that all was quiet in Monte Video, and that he had re-embarked the guards that were left in the Legations and the London and River Plate Bank, some of the Brazilian troops were quartered in the town, and the remainder of the army was encamped a few miles off.

No. 27.

Earl Russell to Mr. Lettsom.

Sir,

Foreign Office, April 7, 1865.

I HAVE received and laid before the Queen your despatches from the 7th to the 28th February inclusive; and I have to acquaint you that Her Majesty's Government approve your conduct, as therein reported, during the late crisis in Monte Video.

I am, &c.

(Signed) RUSSELL.

No. 28.

- Notice.

RIVER PLATE.—BRAZIL AND MONTE VIDEO.

*Notification of the Raising of the Blockade of Monte Video.**Foreign Office, April 11, 1865.*

IT is hereby notified that Earl Russell, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch from Her Majesty's Chargé d'Affaires at Monte Video, inclosing a letter addressed by his Excellency Baron de Tamandaré, Commander-in-chief of the Brazilian Naval Forces in the River Plate, to Rear-Admiral the Honourable C. B. Elliot, C.B., commanding-in-chief Her Majesty's naval forces on that station, announcing that the blockade of the port of Monte Video, established by the Brazilian naval forces by order of the Government of that country, was raised on the 21st of February last.

The following is a translation of the letter of his Excellency Baron de Tamandaré to Rear-Admiral the Honourable C. B. Elliot, above referred to.*

No. 29.

Mr. Thornton to Earl Russell.—(Received April 19.)

My Lord,

Buenos Ayres, March 11, 1865.

I HAVE the honour to inclose translation of a note addressed to Señor Elizalde by the Monte Videan Minister for Foreign Affairs, in which his Excellency blames the conduct of the late Government of that Republic in its relations with this country, expresses the desire of the new Cabinet to maintain the most friendly relations with the Argentine Republic, and announces the appointment of Don Hector Varela as Monte Videan Consul-General at Buenos Ayres.

Señor Elizalde, a translation of whose answer is also inclosed, replies in similar friendly terms, thus accepting the apology offered by the Monte Videan Government, and adds that an exequatur will be issued to the newly appointed Consul-General.

I have, &c.

(Signed) EDWD. THORNTON.

* See Inclosure 2 in No. 25.

Inclosure 1 in No. 29.

Señor Castro to Señor Elizalde.

(Translation.)

Sir,

Monte Video, March 2, 1865.

HIS Excellency Señor Brigadier-General Don Venancio Flores having been invested with the character of Provisional Governor of the Republic, on account of the Convention of Peace, he has done me the honour to name me as his Secretary of State for Foreign Affairs.

In making this communication to your Excellency, I have been specially charged by his Excellency the Provisional Governor to make known to your Excellency that, desiring to remove the obstacles which have caused the interruption of good and friendly relations which he earnestly wishes to cultivate with the Government of the Argentine Republic, he willingly fulfils the duty of reproofing the acts of the authority which existed in Monte Video, and which gave rise to that interruption, which he has always lamented.

His Excellency the Provisional Governor confidently hopes that the Argentine Government, appreciating this loyal and frank declaration, will perceive in it the sincere desire which animates it to draw closer, more and more, the fraternal and friendly relations with which, for many reasons, both countries, should be united.

As a proof of those loyal sentiments, his Excellency the Provisional Governor has named as Consul-General in the Argentine Republic, Señor Don Hector F. Varela, as I have had the honour of acquainting your Excellency in a note of this date, hoping that said appointment will obtain a gracious reception from the Argentine Government.

Begging your Excellency to have the goodness to bring this communication to the knowledge of his Excellency Brigadier-General Don Bartolome Mitre, President of the Argentine Republic, it gives me pleasure to assure your Excellency, &c.

(Signed)

CARLOS DE CASTRO.

Inclosure 2 in No. 29.

Señor Elizalde to Señor Castro.

(Translation.)

Sir,

Buenos Ayres, March 8, 1865.

THE Undersigned has had the honour of receiving the note which his Excellency the Secretary of State for Foreign Affairs of the Oriental Republic of the Uruguay, Dr. Don Carlos de Castro, has done him the honour of addressing him, dated the 2nd instant, in which he announces his having received special orders from his Excellency the Provisional Governor, Brigadier-General Don Venancio Flores, to inform the Argentine Government that, desiring to remove the causes which interrupted the good relations between the two Governments, he willingly fulfilled the duty of reproofing the acts of the authority which existed in Monte Video, and which gave rise to that interruption, which he has always lamented.

The Undersigned, in bringing the contents of your Excellency's friendly communication to the knowledge of his Excellency the President of the Republic, has received on his part the agreeable duty of representing to him the high appreciation with which the Argentine Government views the loyal and spontaneous act with which his Excellency the Provisional Governor of the Oriental Republic of the Uruguay seeks to reprove the aggressive acts which obliged it to suspend its official relations with the Government of Monte Video.

Nothing could be more agreeable for the Argentine Government than the occasion which the Government of your Excellency presents to renew the friendly relations which should exist between two sister Republics united by such close ties; and it is unnecessary to assure your Excellency that on its part it will do everything to cultivate and strengthen it, as has always been its most loyal and constant endeavour.

The Government of the Undersigned, in consequence, has willingly granted the exequatur to the commission of Consul-General of the Oriental Republic granted to Señor Don Hector F. Varela by the Government of your Excellency.

The Undersigned, in offering to your Excellency his congratulations for the merited confidence which his Excellency the Provisional Governor has placed in him by naming him Minister for Foreign Affairs, avails, &c.

(Signed)

RUFINO DE ELIZALDE.

Mr. Murray to the Secretary to the Admiralty.

Sir,

Foreign Office, April 19, 1865.

WITH reference to your letter of the 6th instant, and to previous correspondence on the subject of the hostilities in the River Plate, I am directed by Earl Russell to state to you, for the information of the Lords Commissioners of the Admiralty, that his Lordship is of opinion that Admiral C. Elliot should be approved for the political and civil negotiations in which he and Mr. Lettsom, with the Representatives and naval officers of other foreign Powers, showed so much judgment, and thereby saved Monte Video from bombardment and internal tumult.

I am, &c.

(Signed)

JAMES MURRAY.

No. 31.

Mr. Lettsom to Earl Russell.—(Received May 21.)

My Lord,

Monte Video, April 4, 1865.

BY the English papers which arrived here towards the middle of last month, I learn that, in the House of Commons, the question of the supposed designs of Brazil against the independence of this Republic had been brought forward.

I therefore deem it proper to transmit to your Lordship a translation of the speech which his Excellency the Councillor Senhor F. Octaviano de Almeida Rosa delivered this day, when placing in the hands of Brigadier-General Flores the letter of His Majesty the Emperor of Brazil, accrediting him as Envoy Extraordinary and Minister Plenipotentiary of the Empire on a special mission to this Republic.

The language of his Excellency Senhor de Almeida Rosa disclaims, in the most distinct terms, all intention on the part of Brazil, either of attacking the independence and integrity of this Republic, or of aspiring to establish a political supremacy in this country.

Those pledges are, moreover, given by his Excellency, not only to the Government of the Republic, but, as your Lordship will observe, to the Governments of all civilized nations as well.

I have, &c.

(Signed)

W. G. LETTSOM.

Inclosure in No. 31.

Speech of Senhor Almeida Rosa to Brigadier-General Flores.

(Translation.)

Your Excellency the Governor,

REVIVING to the severe eyes of history the traditions of a loyalty of many years, it pleased Divine Providence once more to strengthen the conviction of all civilized nations that the Government of His Majesty the Emperor of Brazil, interpreter of a just and enlightened people, respects and maintains, with the greatest loyalty and pleasure, the independence and the integrity of the Oriental Republic of Uruguay.

Immense by its destinies for the future, and by its activity for the present, Brazil casts no glances of covetousness towards the neighbouring Republics, nor does she aspire to a political supremacy that may infringe their sovereignty and liberty. A disinterested and constant friend of all the South American nationalities, she sincerely desires that they may prosper, and hold such a sentiment of dignity as shall guard them from the subjection of any despotism.

Enslaved nations do not offer even a guarantee of peace to their neighbours, they are instantly converted into the instruments of raving Governments, who vainly reckon upon impunity, and dare to violate international law.

For this reason the Government of His Majesty the Emperor congratulates itself jointly with your Excellency on the re-establishment of constitutional liberty in this Republic, and has deigned to order me to follow up the friendly and pacific mission of

which the object, by the spontaneous effect of your Excellency's loyal and upright character, can never disturb the intimate and cordial relations between the two countries.

The Imperial Government has also to declare that the proceeding of the Government of the Republic, since your Excellency assumed its direction, has been that of a faithful ally and true friend.

I shall deem myself extremely happy if, in the discharge of my high mission, I am able, in accordance with the wishes of His Majesty the Emperor, and with my personal sentiments, to acquire the honourable esteem of your Excellency and of the Oriental nation.

Correspondence respecting Hostilities in
the River Plate, &c.

*Presented to the House of Commons, by Command
of Her Majesty, in pursuance of their Address
of May 1, 1865.*

PART III.

CORRESPONDENCE

RESPECTING

HOSTILITIES

IN THE

RIVER PLATE, &c.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting Hostilities in the River Plate, &c.

PART III.

No. 1.

Señor Bareiro to Earl Russell.—(Received May 3.)

(Translation.)

My Lord,

*Legation of Paraguay in England,
Paris, April 26, 1865.*

I HAVE the honour to make known to your Excellency a fact which interests directly the freedom and security of the maritime trade of the countries situated upon the rivers flowing into the Rio de la Plata.

My Government has received a note dated the 9th February ultimo by which the Government of the Argentine Republic communicates its disposition to allow the waters of the Paraná to be used as a passage by the Brazilian squadron for the purpose of carrying the war to Paraguay, in which, nevertheless, the Argentine Government professes to be neutral.

This communication was made in answer to a request made in vain by Paraguay for permission to pass through the territory of one of the Argentine provinces, in case it should be required by the necessities of the war in which she is engaged with Brazil.

The Argentine Government has appealed to existing Treaties for the purpose of establishing this policy. As the decisive Treaties upon this subject are those of 1853, in which Her Britannic Majesty's Government is a party, as towards Paraguay and the Argentine Republic, the right cannot be refused to England in the discussion now going on of making herself heard by Brazil, and by an Argentine Government which itself continually calls to mind that it is not the one which signed the fluvial Treaties of 1853 which are objected to by Buenos Ayres and by Brazil.

There is something worthy of your attention, M. le Ministre, in the contradiction between the indulgence shown by the Argentine Government towards Brazil and the Law of the 18th October, 1852, by which the State of Buenos Ayres prohibited ships of war from entering the Paraná; a law which the Argentine Plenipotentiary in London has just now recognized as being in force, in the letter which he has addressed to a newspaper of Paris, a copy of which I have the honour to inclose to your Excellency.

It is not the wish of Paraguay to seek in any interpretation of Treaties an evasion against the arms of Brazil; but she cannot remain indifferent to doctrines which involve in the utmost uncertainty the fate of free navigation which has been established by Treaties in accordance with views of civilization and of aggrandisement of commerce and people.

And if Her Britannic Majesty's Government, on the occasion of the present conflicts going on in the Plata, has not long since called the attention of its Admiralty to measures demanded by the state of things in favour of the exact observance of the abovementioned Treaties, would it not be the case, my Lord, to include in this inquiry whether or not the free navigation of the affluents of the Plata was established and understood in a different way from what is understood in that of the Rhine, the Elbe, the Danube, and the other navigable rivers of Europe in relation to the state of war? whether the permission granted to ships of war to exercise a vigilance of security in favour of commerce includes a permission to occupy those interior rivers by numerous squadrons, and to establish therein the basis of large blockades, without prejudice to the neutrality of the countries to which their waters belong? and whether those rivers, which may be looked upon as lengthened harbours or territorial waters rather than as the open sea, may be converted

to a field of battle or to the head-quarters of a third belligerent Power which may not perhaps be a party in the Treaties regulating the liberty of this navigation?

I have, &c.
(Signed) CANDIDO BAREIRO.

Inclosure in No. 1.

Extract from "La France" of March 4, 1865.

M. LE MINISTRE de la Confédération Argentine nous adresse la lettre suivante, que notre impartialité nous fait un devoir d'insérer. Nous croyons que l'Honorable Représentant de la République Argentine s'est mépris sur la signification de l'Article auquel il croit devoir répondre.

Nous savons très bien que la République Argentine a reconnu et consacré la libre navigation des fleuves par la Loi du 18 Octobre, 1852, et qu'elle en a fait le principe de ses Conventions avec les autres Puissances. Mais, à nos yeux, la politique du Brésil et la guerre actuelle risquent de compromettre ce principe et les garanties qu'il comporte, et appellent, par conséquent, l'attention de l'Europe.

Le Brésil nous semble pratiquer dans l'Amérique méridionale la doctrine de Monroe, si largement préconisée dans l'Amérique du Nord, et qui tend à exclure de plus en plus l'élément Européen des affaires Américaines. C'est à ce point de vue que nous avons exprimé des appréhensions pour la future liberté de la Plata et de ses affluents.

Maintenant, la lettre que nous recevons déclare que la République Argentine est décidée à garder, dans le conflit actuel, la plus stricte neutralité. Nous l'en félicitons et nous en prenons acte.—A. POLIN.

Voici la lettre qui nous est adressée :—

"M. le Rédacteur, "5, Rue de Berlin, Paris, le 2 Mars, 1865.
"LE journal 'La France' a, dans son numéro du 28 Février, consacré un article à la Plata.

"Il y est dit, entre autres :—

"1. Que l'opposition à la libre navigation des affluents de la Plata, qui venait autrefois de l'Espagne et du Portugal, part aujourd'hui, dans un même but de monopole, de Rio Janeiro et de Buenos Ayres.

"2. Que le Brésil et Buenos Ayres sont intervenus dans la Bande Orientale en envoyant Flores avec la mission de renverser le parti blanc, qui occupe le pouvoir depuis dix années, et de ressusciter le parti colorado.

"A l'accusation surannée de monopole, attribuée à la République Argentine en ce qui touche la libre navigation des fleuves, il me sera permis d'opposer un seul fait, mais péremptoire et décisif, à savoir, que cette liberté a été consacrée spontanément par Buenos Ayres dans la loi rigoureusement observée et toujours en vigueur du 18 Octobre, 1852, et reconnue successivement dans toutes les Conventions ultérieures entre la Confédération Argentine et les diverses Puissances étrangères.

"Pour le Brésil, comment raisonnablement croire qu'il puisse être opposé à la libre navigation des fleuves de la Plata, en ayant impérieusement besoin lui-même pour avoir accès dans la province de Matto Grosso ?

"J'ajouterai que, loin d'intervenir récemment dans la lutte engagée entre le Général Flores et le Gouvernement actuel de Monte Video, le Gouvernement Argentine, fidèle à l'équitable et sage politique qu'il a eu l'honneur d'inaugurer, s'est maintenu jusqu'aujourd'hui (après avoir fait de concert et en vain, avec les Représentants de la Grande Bretagne et du Brésil, des tentatives diplomatiques réitérées pour amener la paix entre les parties belligérantes), s'est maintenu, dis-je, dans la plus stricte neutralité, et cela d'autant mieux que l'indépendance de l'Etat Oriental a été stipulée dans le Traité de 1828 entre le Brésil et la République Argentine, et reconnue par la France, la Grande Bretagne, et les Etats Unis d'Amérique.

"Je remarquerai de plus, en rétablissant un fait d'histoire, que l'indépendance des Orientaux n'a pas été due à leurs seuls efforts, mais aussi, principalement, à l'appui victorieux des armées Argentines, commandées par le Général Alvear.

"Je me borne, Monsieur, à ces simples lignes ; elles ont pour but d'éclairer votre honorable rédaction sur un état de choses dépeint inexactement. Je ne demande pas la bienveillance, mais ce qui est dû à tout le monde—la justice.

"Veuillez, &c.

"Le Ministre Plénipotentiaire de la Confédération Argentine,
(Signé) "M. BALCARCE."

(Translation.)

THE Minister of the Argentine Confederation has addressed to us the following letter, which our strict impartiality compels us to insert. We believe that the honourable Representative of the Argentine Republic has been mistaken as to the meaning of the article to which he deems it necessary to make some reply.

We are very well aware that the Argentine Republic has recognized and secured free navigation of rivers by the Law passed on the 18th of October, 1852, and that it has made it the basis of its compacts with other Powers. But, in our opinion, the policy of Brazil and the existing war run the risk of compromising this understanding and the support it affords, and consequently demand the attention of Europe.

Brazil seems to us to practise in Central America the "Monroe doctrine," so widely promulgated in North America, and which more and more tends to exclude the European element from American affairs. It is from this point of view that we have expressed our fears as to the future liberty of La Plata and its tributaries.

Now, the letter that we have received declares that the Argentine Republic has decided to maintain the strictest neutrality in the existing struggle. We congratulate them on it, and we make a note of it.—A. TOLIN.

This is the letter which has been addressed to us:—

"Mr. Editor,

"5, Rue de Berlin, Paris, March 2, 1865.

"The newspaper 'La France,' in the number for February 28, has devoted an article to La Plata.

"In it, among other facts, it is mentioned,—

"1. That the opposition to the free navigation of the tributaries of La Plata, which formerly came from Spain and Portugal, now, with the same object, viz., monopoly, comes from Rio Janeiro and from Buenos Ayres.

"2. That Brazil and Buenos Ayres have interfered in the Banda Oriental by sending Flores for the purpose of upsetting the white faction, which has kept the lead for ten years past, and of re-establishing the coloured faction.

"To the superannuated accusation of monopoly, attributed to the Argentine Republic in what affects the free navigation of rivers, I may be allowed to oppose one single but peremptory and decisive fact, viz., that this freedom has been voluntarily secured by Buenos Ayres in the Law, strictly observed and always in force, of October 18, 1852, and recognized successively in all the subsequent agreements between the Argentine Confederacy and the various foreign Powers.

"As to Brazil, how can one reasonably believe that it can be opposed to the free navigation of the rivers of La Plata, whilst urgently in need itself of access to the province of Matto Grosso?

"I would add that far from interfering lately in the struggle between General Flores and the existing Government of Monte Video, the Argentine Government, true to the just and wise policy that it has had the honour of inaugurating, has maintained until now (after having made reiterated diplomatic attempts in concert, but in vain, with the Representatives of Great Britain and of Brazil, to bring about a peace between the belligerents), has maintained, I repeat, the strictest neutrality, and the more so as the independence of the Oriental State has been made a stipulation in the Treaty of 1828, between Brazil and the Argentine Republic, and recognized by France, Great Britain, and the United States of America.

"I would further remark, while re-establishing an historical fact, that the independence of the Orientals has not alone been due to their own efforts, but also especially to the victorious support afforded by the Argentine forces under the command of General Alvear.

"I confine myself, Sir, to these simple lines; their object is to enlighten your honourable publication as to a state of things inaccurately described. I do not demand indulgence, but that which is everybody's due—justice.

"Accept, &c.

"Minister Plenipotentiary of the Argentine Confederation,
(Signed) "M. BALCARCE."

No. 2.

Mr. Thornton to Earl Russell.—(Received May 3.)

(Extract.)

Buenos Ayres, March 24, 1864.

I HAVE the honour to inform your Lordship that M. Paranhos, who has lately resided here and at Monte Video on a special mission from Brazil, has been recalled by his Government, his proceedings during the late crisis at Monte Video not having been entirely approved.

No. 3.

Mr. Thornton to Earl Russell.—(Received May 3.)

My Lord,

Buenos Ayres, March 25, 1865.

WITH reference to my despatch of the 11th ultimo, in which I stated that the Paraguayan Government had requested of the Argentine Government permission for their army to pass through the Argentine Province of Corrientes, for the purpose of carrying on war against Brazil, I have now the honour to transmit herewith to your Lordship translations of Señor Berges' note of the 14th of January last, making the above-mentioned request, and of Señor Elizalde's reply of the 9th ultimo, in which his Excellency, in the name of his Government, declines complying with the petition of that of Paraguay.

Señor Elizalde has since told me that if the Paraguayan forces, in spite of the refusal to grant them a passage, should violate Argentine territory, his Government would be obliged to declare war against Paraguay; for however anxious they might be to remain on friendly terms with that Republic, and to preserve the strictest neutrality in the contest between it and Brazil, it would be less disadvantageous to the Argentine Republic to declare war against Paraguay than to run the risk that Argentine territory might become the battle-field of the combatants.

I have, &c.

(Signed)

EDWD. THORNTON.

Inclosure 1 in No. 3.

Señor Berges to Señor Elizalde.

(Translation.)

Assumption, January 14, 1865.

THE Undersigned, &c., has the honour of addressing your Excellency, by order of the President of the Republic, to solicit the consent of the Argentine Government for the passage of the armies of the Republic of Paraguay across the territory of the Argentine province of Corrientes, in case it were driven to this step by the operations of the war now waging between this country and the Empire of Brazil.

The grave motives which have obliged the Government of the Undersigned to accept the war which the Empire has provoked, by the depreciation of its protest of the 30th of August last, and corroborated the 3rd of last September, being of public notoriety; and the said motives amounting to a strict duty for all Governments who have at heart their rights and most vital interests, the Government of this Republic hopes that the Argentine Government will consent, without difficulty, to this request, at the same time protesting that the transit shall be made without injury to the inhabitants, and with the consideration due to the Argentine authorities.

The Government of the Undersigned flatters itself that that of your Excellency will take into consideration this solicitation; the more so, as, acceding to it, its policy will be in nowise altered or injured in this respect, nor much less will it create complications or reclamations with the Imperial Government, since precedents exist which authorize the concession by the Government of your Excellency.

When, in the year 1855, the Imperial Government deemed it convenient to initiate the policy of supporting, by its squadron and army, the negotiations pending with the Republic of Paraguay, by sending by the waters of the Plate and Parana, as far as the River Paraguay, a numerous squadron, with troops for disembarking, it did so with the consent of the Government of Buenos Ayres (then separated from the Argentine Confederation), as well as with that of the National Government of that Republic; at least, so

was to be interpreted the silence of the two Governments; and what still further corroborates this conviction, was the hospitable and friendly reception which the Brazilian squadron received in Argentine territory, enabling it to provide itself with every resource.

The Government of the Undersigned did not then desire to take into consideration an act hostile to its interests and to its sovereignty.

After this precedent, which cannot be looked upon with indifference, the Imperial Government could not consider itself offended by the concession which the Undersigned now solicits in a different manner, without discountenancing equity and justice, for the Governments of Buenos Ayres and the Confederation consented to the passage of Argentine territory for the benefit of the action of Brazil.

Without prejudging the policy which the Government of your Excellency considers convenient to follow in the present war between Brazil and Paraguay, and respecting the convictions which have given rise to it, the Government of the Undersigned does not doubt that that policy will be of such a nature as will not impede the Government of your Excellency from granting this act of just reciprocity, allowing the transit of the army of this Republic to the Brazilian province of Rio Grande, with the security before-mentioned. And as the pressing circumstances require an early solution of this friendly request, the bearer of this note, Senhor D. Luis Caminos, is charged to receive and bring the reply which the Government of your Excellency shall see fit to make to this communication.

The Undersigned, &c.

(Signed)

JOSE BERGES.

Inclosure 2 in No. 3.

Señor Elizalde to Señor Berges.

(Translation.)

Buenos Ayres, February 9, 1865.

THE Undersigned, &c., has the honour of replying to the note of his Excellency Señor Don José Berges, &c., of the 14th of January last, received on the 6th instant, in which he solicits the consent of the Argentine Government that the armies of the Republic of Paraguay may be allowed to cross the territory of the Argentine Province of Corrientes, in case it may be driven to such a step by the operations of the war in which that country has entered with the Empire of Brazil.

His Excellency the President of the Republic, who has witnessed with grief the breaking out of a war between neighbouring and friendly Governments like those of Paraguay and Brazil, has determined upon maintaining the strictest neutrality in that war, which in no manner has he been able to prevent, on account of the manner in which it has been brought about.

Consequently with this object he will respect on his part the legitimate rights of both belligerents, extending to them the duties of friendship and of a good neighbour, which is his duty; and in his turn must request that the rights of sovereignty and neutrality of the Argentine nation be respected.

For this reason the Argentine Government, faithful to its duties as a neutral, and consulting the interests of the nation, does not consider it convenient to accede to the solicitation of the Paraguayan Government.

Although the right of the Argentine Government to refuse giving the motives for this denial is incontestable, the simple announcement thereof being sufficient to cause it to be respected, the consideration which it entertains towards the Government of Paraguay, and the desire which actuates it to remove the most remote cause which might alter its friendly relations, the Undersigned finds himself in the position to make them known in a friendly manner to your Excellency.

None of the causes exist which, according to the principles of the rights of nations, could influence the opinion of the Argentine Government to grant to the belligerents permission to cross the territory of the Province of Corrientes.

That transit is not absolutely necessary; there is no imperative motive which makes it obligatory and indispensable. On the contrary, the belligerents have an extensive frontier where hostilities can be carried on without crossing Argentine territory, as the Government of Paraguay has already done by invading and taking a part of the Brazilian territory of Matto Grosso. They have, moreover, granted by existing Treaties, and by the principles respecting the navigation of rivers, specially for riverains, the free transit by water for the war- and merchant vessels of both States.

The concession solicited has, on the contrary, all the inconveniences which justify a refusal according to the doctrines and practice constantly admitted by civilized nations.

The transit being granted to the Paraguayan Government would equally hold good for that of Brazil, and then the neutral Argentine territory would become the theatre of the war, and from this act would arise very grave evils and complications which it is the duty of the Government to avoid.

Your Excellency knows that the requested passage could not but cause injuries and dangers, when protesting that it would be carried out without injury to the inhabitants, and with every consideration due to the Argentine authorities—a protest which cannot satisfy the Argentine Government, which does not admit nor avoid the evils and injuries, because it would be tantamount to leaving to the judgment of the Paraguayan Government the manner of carrying out the transit, which would in a certain measure authorize its placing at its disposition for a bellicose operation all the Province of Corrientes, by the generic manner of the request, to exercise jurisdiction in Argentine territory, and because, notwithstanding its desires, it could not avoid the imperative consequences of converting that territory into the theatre of the war.

Your Excellency believes that, acceding to the request of the Government of Paraguay, the policy of the Argentine Government would be in no wise altered or injured, nor much less would complications or reclamations be created with the Imperial Government, since there already exist precedents which authorize such requests.

What was believed convenient to be done in 1855, does not oblige the Argentine Government to proceed in the same manner. The neutral can grant or refuse the transit of the belligerents, using a right which in no case can be transferred. Consequently it can grant it in one war and refuse it in a posterior one, when experience has shown it perhaps the error under which it acted, or the evils suffered have caused it to better understand its interests.

But the retrospect which your Excellency makes is inapplicable to the case now treated of. The transit then by water was the object of a negotiation which ended by a diplomatic arrangement, and this was the explanation given by the Imperial Government when asked the object of the transit, and denied its having a hostile object, which was corroborated by the act of being admitted in a benevolent and friendly manner by the very Government of Paraguay, the which, far from considering it a depreciation of its sovereignty, sought to respect it; for, as a sovereign nation, Paraguay alone, within its limits, could determine in what case and form other nations should approach it to treat with her these questions, or to arrange them.

Even in this manner, treating of transit by rivers of which the Empire of Brazil is a riverain and with a pacific object, your Excellency classifies it in the note to which I reply, as an act hostile to the interests and sovereignty of Paraguay; an unfounded classification which will have considerable strength if the Government of Brazil should employ it in case of a military expedition being allowed transit across the territory of the Province of Corrientes, with the avowed object of carrying the war into one of its provinces.

Later have been signed Treaties both with the Republic of Paraguay as well as with Brazil and other nations, which, respecting the principles of the public right upon navigation of the rivers by the riverains, establish the free transit and navigation as much for merchant-vessels as for ships of war, and these principles have been solemnly recognized by the Republic of Paraguay in its Treaties with the Argentine Republic.

It is a doctrine universally admitted, that the transit by water having none of the inconveniences of the transit by land, no difficulty should arise, and that treating of riverains, that they are not inconvenienced, but it is their duty reciprocally to grant every assistance within the whole extent of the riverain jurisdiction; for if it were otherwise, the owner of the mouth of a river and the greater part of its navigable course, would be the judge and arbiter of the questions and conveniences of the States situated on its upper part, who would determine when and in what case the one party should approach the other, be it to make a diplomatic arrangement or to decide their respective questions in the manner which they might deem most convenient, thus depreciating the sovereignty of the respective upper riverains, with injury to the reciprocal rights which, as such, belong to them, in making use of the free transit or of the common navigation, with the object of promoting their prosperity in peace, and providing for their security and success in war.

There does not, therefore, exist the just reciprocity, which your Excellency invokes by citing the Act of 1855, for granting to the Government of Paraguay the passage by land of its army to the Brazilian Province of Rio Grande, forasmuch as it is not only a different case but cannot even be invoked as a precedent for the present, even if it were

analogous, to determine the reciprocity which is only applicable to the continuation of a war, and not to a past situation which the same Government of Paraguay put an end to, ratifying it in a friendly manner with solemn engagements, which established the right of navigation of the river by the riverains, to which have been added other stipulations upon the matter which clearly defined the rights and duties of these in peace and war, which at first were not determined, thus fixing that right which has for its basis mutual convenience and mutual consent.

Reciprocity consists in granting in a war the same thing to the belligerents, not in giving these what was granted in a former war. There is no reciprocity between the harmless transit by navigable waters with the object of a pacific negotiation and the transit with the object of declared hostility. Notwithstanding the transit by water may be granted to belligerents, whether riverains or not, of the rivers which they may desire to pass, even when Treaties are wanting granting them this right, without on this account it becoming obligatory to give them land transit; and if the fluvial is recognized as free to one or more belligerents in peace or war, it must be maintained equally as such for all; this is what constitutes reciprocity. But in the name of this, land transit cannot be demanded on account of having granted the fluvial; neither from this right can the other be deduced.

The Argentine Government does not doubt that the considerations here given will have their weight in the enlightened judgment of the Government of Paraguay, and doing due justice to the amicable sentiments which it expresses towards it, will understand that it cannot accede to its solicitation, and it trusts, on its part, that they will serve to avoid every motive which might alter the friendly relations which it strives to strengthen and promote.

The Undersigned, &c.

(Signed)

RUFINO DE ELIZALDE.

No. 4.

Mr. Thornton to Earl Russell.—(Received May 3.)

My Lord,

Buenos Ayres, March 25, 1865.

ON the 5th instant the Paraguayan Congress assembled at Assumption in Extraordinary Session. I have the honour to inclose translation of the President's Message to the Congress, in which his Excellency refers to the war with Brazil and the not very cordial relations between Paraguay and the Argentine Republic, and requests their decision upon the conduct by which the Government were to be guided in the present grave emergencies.

In the subsequent discussions the Congress expressed entire confidence in the wisdom of the President, and proceeded to sanction Decrees conferring upon his Excellency the title and rank of Marshal of the Armies of the Republic, granting him a salary of 60,000 dollars, or about 12,000*l.* per annum, and authorizing him to raise a loan of 25,000,000 dollars, or about 5,000,000*l.* sterling.

It was proposed that the President should not be allowed to leave the Republic for the purpose of commanding any expedition which he might deem it necessary to send abroad; but his Excellency having expressed his disapproval of any attempts to limit his action in this respect, the Congress left the matter to his discretion.

The Congress was still sitting at the date of the last news from Assumption.

I have, &c.

(Signed)

EDWD. THORNTON.

Inclosure in No. 4.

Message of President Lopez.

Very Honourable Representatives of the Nation.

I FEEL the liveliest satisfaction in seeing you assembled in this august place on an occasion so vital to the country. The public good, and grave matters to be laid before you, induced me to exercise the Law of 13th March, 1844, by calling you for extraordinary session, that your patriotism and wisdom may advise how to guide the Government, and your authority lend that strength which is expected by the nation. Since you entrusted to me the destinies of the Republic, one of my most constant studies

has been to preserve friendly relations with foreign Powers, which still exist in a cordial manner with all except Brazil and the Argentine Republic.

The Imperial Government, following an unwise and lamentable policy, has driven us to a recourse to arms, which neither our moderation nor efforts for peace have been able to avert. The Argentine Government, to which we have ever shown exuberant testimony of sincere friendship, has also created an uneasy feeling by an interchange of notes in which that Government, far from reciprocating our loyalty and good faith, has thought fit to elude the amicable explanations demanded. A momentary difficulty also arose with the Republic of Uruguay, but that Government giving due satisfaction our friendly relations were renewed.

The cause of our rupture with Brazil and coolness with the Argentine Republic is owing to the sanguinary events of Uruguay, and the threatened violation of equilibrium in the River Plate. These two Powers, which guaranteed the independence of Monte Video, are now its assailants, and Brazil, after concluding a solemn Treaty in 1850 for the maintenance of existing nationalities in this part of South America, allies itself with the rebel band which started from Buenos Ayres, and is still supported by the Revolutionary Committee of that city, and which now devastates the Republic of Uruguay.

Paraguay, although secure in its own importance and strength, could not overlook the question of equilibrium in the River Plate, or view current events with indifference; we did our best to avoid calamities, by soliciting amicable explanations from the Argentine Government in the Oriental question, and offering our mediation to Brazil to bring about a peaceable arrangement with Monte Video when that country was menaced by the land and sea forces of the empire.

It was, however, impossible to prevent bloodshed, for Brazil rejected our mediation, and declared that its question of grievances for the last twelve years must be confided to the army and navy to make "reprisals;" and under this name is carried on the war which now afflicts Uruguay. So serious a resolution was not communicated to this Government, whose friendly offer of mediation was disregarded. Until then the Paraguayan Government hoped that the Emperor would adopt wiser counsels, and offer honourable explanations to quell the serious fears about a rupture of equilibrium in the River Plate which was the basis of law and order in these countries. This hope was notified to the Imperial Government, but proved in vain, and Brazil openly proceeded to the occupation and conquest of the Banda Oriental.

The national honour and dignity being thus outraged, and the security and integrity of the Republic compromised, the Government saw itself in the imperious necessity of accepting war with Brazil in maintenance of its own vital interests, and in order to avenge the national honour so often slighted by the Empire. Military and political reasons, as well as the safety of our frontier, urged the Government to occupy a part of Matto Grosso which Brazil had usurped, although belonging to the Republic by virtue of discovery, possession, and Treaties, and collected there great military resources to prepare new inroads on Paraguay.

The Government ordered the occupation of those territories, and our military expeditions have had occasion to confer fresh glory on our arms and give proof of their valour and discipline. It was necessary to repel in this manner the aggression of Brazil, and in this the Government was encouraged by the decision of the Council of State and the public manifestations of the people.

Foreseeing that a conflict might occur with Brazil on our eastern frontier, and in order to prevent any misunderstanding with the Argentine Government, and show still further proofs of respect for that nation, my Government, laying aside all motives of resentment, solicited permission from the Argentine Cabinet to cross the territory of Corrientes when events might so oblige. But the latter not only refuses this permission, and aids Brazil by allowing her free passage by water for her army and navy, but prohibits our crossing the national territory of Misiones del Paraná, calling moreover for urgent explanations about the presence and purpose of our forces in that quarter.

The situation of the country required the adoption of means for its defence; and the army of the line has been considerably augmented by a general call to arms, which the citizens answered with enthusiasm, enrolling themselves in the ranks.

The Government now solicits your sovereign approbation and advice how to act in so grave an emergency.

Seeing the advanced age and declining health of the Diocesan Bishop, the religious service of the State demanded a coadjutor; and Dr. Palacios, Dean of the Chapter, was presented to His Holiness Pius IX, who graciously issued the Bulls, and in this manner provided for the demise of the (now) late Bishop Juan Gregorio Urbieta.

The internal state of the country is satisfactory, peace and harmony reign in the public administration, and the officials discharge their duties with zeal and patriotism.

The finances of the State continue to answer all the demands for public works and warlike preparations. The Secretaries of State in their several Departments will give your honourable Chamber a report of their trust.

In summoning you, Honourable Representatives, to these Sessions, my object is to give you account of the situation of the country, the means which I deemed necessary to protect its interests; and with entire faith in your patriotism and enlightenment, I submit to you the grave matters which you are about to discuss, confident that you will be guided by a true love of country, and zeal for the honour, dignity, and prosperity of the country, and that your resolutions will correspond to the hopes of your countrymen, whose eyes are at present fixed upon you.

Asuncion, March 5, 1865.

(Signed)

FRANCISCO S. LOPEZ.

No. 5.

Mr. Thornton to Earl Russell.—(Received May 3.)

My Lord,

Buenos Ayres, March 25, 1865.

NOTWITHSTANDING the constant assurances during this month of both my Brazilian colleague and Admiral Tamandaré that a naval expedition was to be sent up the River Paraná for the purpose of blockading the mouth of the Paraguay, I have not been able to find out that a single Brazilian vessel of war has yet started for that destination.

I am not aware that, except indirectly, British commerce will be at all injured by the blockade in question, for it is very rarely that a vessel under the English flag goes up the Paraguay, although English goods find their way in Italian, Argentine, and Monte Videan vessels. The principal object of the blockade will be to prevent the export of the Paraguay tea and tobacco, from which the Government derive the principal part of their revenue.

I have some difficulty in discovering what serious operations are meditated by the Brazilian Commanders-in-chief against Paraguay; it is possible that they themselves have not yet decided upon the course it will be most expedient to pursue. I gather, however, that the comparatively large forces which it is intended to bring into action will not be ready till about the month of June.

The latest news from Assumption is to the effect that the Paraguayan expedition in Matto Grosso, which it was announced was to proceed to Cuyabá, is still at Corumbá, and it is said that there is not enough water in the river for their steamers to convey them up, and that the journey by land is impracticable. If this be the case, the Brazilian force which is now being assembled in the north of the Province of Matto Grosso may also find it difficult to go down the Paraguay for the purpose of attempting to dislodge the Paraguayans from Corumba and Coimbra.

I have, &c.

(Signed)

EDWD. THORNTON.

No. 6.

Mr. Lettsom to Earl Russell.—(Received May 3.)

(Extract.)

Monte Video, March 27, 1865.

NEWS has been received here lately from Rio de Janeiro to the effect that the Brazilian Government disapprove altogether of the Peace Convention of the 20th of February last, signed by General Flores, Senhor Paranhos, and Dr. Herrera y Obes, the latter acting on the part of the President, Señor Villalba.

The Imperial Government declare nevertheless that they accept the arrangement entered into by their Plenipotentiary, Senhor Paranhos, who has, however, been recalled by his Government in consequence of the manner in which the negotiation was conducted by him.

As far as I can understand the matter as yet, the Brazilian Government appear, by thus acting, to have committed great injustice towards a talented and faithful servant of the Imperial Crown.

The Convention of the 20th of February secures to the Brazilian Government, as your Lordship will have seen, all the redress demanded for their long-standing grievances, and this success has been obtained without the sacrifice of a single Brazilian soldier, or

the consumption of any materials of war—both points of the utmost importance to Brazil when about to enter on a war with Paraguay, a war in which prudence counsels the adoption of the strictest economy of every resource, inasmuch as it seems admitted on all hands that the Imperial Government find themselves sorely pressed to provide what is considered necessary for commencing their projected attack.

Senhor Paranhos will leave Monte Video for Rio de Janeiro by the English mail-steamer of the 30th instant.

No. 7.

The Secretary to the Admiralty to Mr. Hammond.—(Received May 4.)

Sir,

Admiralty, May 3, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 29th March last, from Rear-Admiral Elliot, reporting on the state of affairs at Monte Video and in the River Plate.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure in No. 7.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Triton," Monte Video, March 29, 1865.

IN my letter of the 22nd February I reported, for the information of the Lords Commissioners of the Admiralty, the re-establishment of peace between Uruguay and Brazil, and the entry of General Flores into Monte Video. The Ministers and Government officers there appointed were apparently very judiciously chosen. Toleration towards the party lately in power has been shown to an extent that is unusual in this country, and the good effect of this moderation is evident in increasing confidence in the Government, and in the return of trade. But the Brazilian Government has in some degree checked the good which the terms of the peace were calculated to produce in the feeling between the two countries, by recalling their special Envoy, Senhor Paranhos, by whom they were concluded. This will naturally tend to increase the feeling of distrust which exists in the country with regard to Brazil.

2. Admiral Tamandaré considered the terms of peace unsatisfactory, inasmuch as they did not contain sufficient satisfaction for the insults offered to the Brazilian flag. His views have apparently been adopted by the Emperor, and the Admiral has been raised to the rank of Viscount. But the disgrace of Senhor Paranhos may be looked upon, in a great degree, as a party question. His influence would increase by his successful negotiations, and he is leader of the party opposed to the Government at Rio, who would dread his increased popularity.

3. Admiral Tamandaré says he is going to blockade the Paraguay, and that his gun-boats are now going to the Tres Bocas (near the junction of that river with the Paraná) for that purpose, and additional troops from Rio are arriving to reinforce those now here to act against Paraguay; but the Brazilians are dilatory in their movements.

I have, &c.

(Signed) C. B. ELLIOT.

No. 8.

Earl Russell to Señor Bareiro.

M. le Chargé d'Affaires,

Foreign Office, May 4, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 26th ultimo, in which you call the attention of Her Majesty's Government to the conduct of the Argentine Government in allowing a Brazilian force to pass up the Paraná; and I beg leave to inform you that your remarks upon this subject will be taken into consideration.

I am, &c.

(Signed) RUSSELL.

No. 9.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, May 6, 1865.

WITH reference to the concluding paragraph of Admiral Elliot's despatch of the 29th March last, of which a copy is inclosed in your letter of the 3rd instant, stating that the Brazilian Admiral in the River Plate had expressed his intention to blockade the Paraguay, I am directed by Earl Russell to request that you will point out to the Lords Commissioners of the Admiralty that a lawful blockade, duly notified, must be respected.

I am, &c.

(Signed) E. HAMMOND.

No. 10.

Earl Russell to Señor Bareiro.

M. le Chargé d'Affaires,

Foreign Office, May 15, 1865.

I HAD the honour, on the 4th instant, to acknowledge the receipt of your letter of the 26th ultimo, making certain observations on the part of your Government respecting the conduct of the Argentine Government in allowing a Brazilian squadron to pass up the Paraná; and I now beg to state to you, in reply thereto, that Her Majesty's Government do not consider that the provisions of the Treaties to which you refer would justify their interposition in the matter now in question between the Argentine and Paraguayan Governments.

Her Majesty's Government are of opinion that, by the Treaty of the 10th July, 1853, between Her Majesty and the Argentine Confederation, they are entitled to insist upon the free navigation of the Rivers Paraná and Uruguay by merchants of all nations, even in time of war, "excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon-balls;" but they are not of opinion that they are empowered either by the express provisions of any Treaty, or by the general principles of international law, to prevent the sailing of a Brazilian fleet up the River Paraná for the purpose of carrying on hostilities—in a war in which Her Majesty is strictly neutral—against Paraguay, or to call in question the right of the Brazilian Government to establish and to enforce a legitimate blockade of the ports of Paraguay; it must be for the Argentine Government to consider whether they ought or ought not to allow the Brazilian fleet to pass through the waters of Argentine territory.

I am, &c.

(Signed) RUSSELL.

No. 11.

Earl Russell to Mr. Thornton.

Sir,

Foreign Office, May 20, 1865.

WITH reference to your despatches of the 11th of February and of the 25th of March, I transmit to you herewith a translation of a note from the Paraguayan Chargé d'Affaires at this Court,* calling the attention of Her Majesty's Government to the conduct of the Argentine Government in allowing a Brazilian squadron to pass up the Paraná with reference to the existing Treaties relating to the navigation of the affluents of the River Plate. I also inclose for your information and guidance a copy of the answer which, after consulting the proper Law Officer of the Crown, I have returned to M. Bareiro's observations.†

I am, &c.

(Signed) RUSSELL.

* No. 1.

† No. 10.

*Earl Russell to Mr. Lettsom.**Foreign Office, May 20, 1865.*

Sir,

I TRANSMIT to you herewith a translation of a note from the Paraguayan Chargé d'Affaires at this Court,* calling the attention of Her Majesty's Government to the conduct of the Argentine Government in allowing a Brazilian squadron to pass up the Paraná, with reference to the existing Treaties relating to the navigation of the affluents of the River Plate. I also inclose for your information and guidance a copy of the answer which, after consulting the proper Law Officer of the Crown, I have returned to M. Bareiro's observations.†

I am, &c.
(Signed) RUSSELL.

No. 13.

*Mr. Lettsom to Earl Russell.—(Received May 21.)**Monte Video, April 4, 1865.*

My Lord,

BY the English papers which arrived here towards the middle of last month, I learn that, in the House of Commons, the question of the supposed designs of Brazil against the independence of this Republic had been brought forward.

I therefore deem it proper to transmit to your Lordship a translation of the speech which his Excellency the Councillor Senhor F. Octaviano de Almeida Rosa delivered this day, when placing in the hands of Brigadier-General Flores the letter of His Majesty the Emperor of Brazil accrediting him as Envoy Extraordinary and Minister Plenipotentiary of the Empire on a special mission to this Republic.

The language of his Excellency Senhor de Almeida Rosa disclaims, in the most distinct terms, all intention on the part of Brazil either of attacking the independence and integrity of this Republic or of aspiring to establish a political supremacy in this country.

Those pledges are, moreover, given by his Excellency not only to the Government of the Republic, but, as your Lordship will observe, to the Governments of all civilized nations as well.

I have, &c.
(Signed) W. G. LETTSOM.

Inclosure in No. 13.

Speech of Senhor Almeida Rosa to Brigadier-General Flores.

(Translation.)

Your Excellency the Governor,

REVIVING to the severe eyes of history the traditions of a loyalty of many years, it pleased Divine Providence once more to strengthen the conviction of all civilized nations that the Government of His Majesty the Emperor of Brazil, interpreter of a just and enlightened people, respects and maintains with the greatest loyalty and pleasure the independence and the integrity of the Oriental Republic of Uruguay.

Immense, by its destinies for the future and by its activity at the present, Brazil casts no glances of covetousness towards the neighbouring Republics, nor does she aspire to a political supremacy that may infringe their sovereignty and liberty. A disinterested and constant friend of all the South American Nationalities, she sincerely desires that they may prosper and hold such a sentiment of dignity as shall guard them from the subjection of any despotism.

Enslaved nations do not offer even a guarantee of peace to their neighbours; they are instantly converted into the instruments of raving Governments who vainly reckon upon impunity and dare to violate international law.

For this reason the Government of His Majesty the Emperor congratulates itself jointly with your Excellency on the re-establishment of constitutional liberty in this Republic, and has deigned to order me to follow up the friendly and pacific mission of

* No. 1.

† No. 10.

which the object, by the spontaneous effect of your Excellency's loyal and upright character, can never disturb the intimate and cordial relations between the two countries.

The Imperial Government has also to declare that the proceeding of the Government of the Republic, since your Excellency assumed its direction, has been that of a faithful ally and true friend.

I shall deem myself extremely happy if, in the discharge of my high mission, I am able, in accordance with the wishes of His Majesty the Emperor and with my personal sentiments, to acquire the honourable esteem of your Excellency and of the Oriental nation.

No. 14.

Mr. Thornton to Earl Russell. (Received May 21.)

(Extract.)

Buenos Ayres, April 12, 1865.

FOUR Brazilian gun-boats with a brig loaded with coals left this port on the 5th instant, for the purpose, as it was supposed, of proceeding up the Paraná, and blockading the River Paraguay at the Tres Bocas. It afterwards turned out, however, that they had not got further than Colonia, on the opposite side of the River Plate, where they anchored.

I should imagine that this delay was caused by the Argentine Government having objected to such a blockade, because at that point they claim the dominion of the right bank of the Paraguay, as far up as the Vermejo, as well as the navigation of the latter river. Further, the Argentine flag has the right, by the XIVth and XVth Articles of the Treaty of June 25, 1856, between this Republic and Brazil, to navigate the River Paraguay to the Brazilian ports on this river. The Argentine Government, therefore, justly claim that the Brazilians can only blockade the ports on the Paraguay, and may not impede the navigation of the river. They can therefore only blockade the river as far as the Paraguayan flag is concerned, which would be of little advantage to them.

In conversing, however, upon this subject with General Mitre, I observed to his Excellency that although the right of the Argentine Government on this point was evident, it seemed to me that the dominion of that part of the right bank of the Paraguay imposed upon the Argentine Government the duty of preventing the Paraguayans from making use of it for hostile purposes; for it is notorious that the latter have established military posts upon it opposite the fortress of Humaitá, and have fixed there a heavy chain, which in case of need is to be drawn across the river for the purpose of impeding the passage of vessels. I have been also informed that the Paraguayans have built batteries on that side of the river, although, if it be so, they are for the present completely masked. To my observation his Excellency merely replied that should the Paraguayans be found making use of Argentine territory for hostile purposes, the Brazilians would have a right to do so likewise.

Since the afternoon of the 8th instant, a rumour has been current in this town that the Paraguayan Government had declared war against the Argentine Republic. This report arose from the fact that a messenger arrived on that day from Assumption with despatches for the Paraguayan Agent here, Señor Egusquiza. I spoke of the rumour to General Mitre and Señor Elizalde, who at first disbelieved it, but they now give it credit, and the latter told me yesterday that a friend of his had seen a copy of the note from the Paraguayan Government containing the declaration of war. His Excellency expects to receive this note by the Argentine steamer "Salto," which is expected in a day or two from Assumption.

The Argentine Government have communicated this report through M. Leal, the Brazilian Minister, to Admiral Tamandaré, who is now at Monte Video. The Admiral has consequently sent orders to the four gun-boats lying at Colonia to proceed at once up the River Paraná, stating that they will be almost immediately followed by eight more gun-boats. Their principal employment on their arrival on the coast of Paraguay will probably be, in the first instance, to prevent Paraguayan forces from crossing from the right to the left bank of the Paraná.

Should the Argentine Government receive a declaration of war from Paraguay, I understand that their first care will be to negotiate a Treaty of Alliance with Brazil, and prepare an army of from 12,000 to 14,000 men, to be marched as soon as possible to the left bank of the Paraná, in the province of Corrientes, and thence conveyed across the river into Paraguay proper.

No. 15.

Señor Balcarce to Earl Russell.—(Received May 22.)

Milord,

Maurigy's Hotel, Waterloo Place, Londres, le 22 Mai, 1865.

QU'IL me soit permise d'exposer à votre Excellence quelques considérations relatives aux complications prochaines que peuvent amener l'attitude et la politique du Gouvernement du Paraguay.

Depuis longtemps les organes officiels ou officieux du Président Lopez se sont appliqués par tous les moyens en leur pouvoir à indisposer en Europe l'opinion publique contre la Confédération Argentine, en calomniant les actes et les intentions de son Gouvernement, et en le représentant comme systématiquement hostile à la République du Paraguay.

Pour toute réponse à ces attaques, non moins obstinées qu'injustes, mon Gouvernement, convaincu que le plus grand bien dont puisse jouir la République Argentine, si souvent agitée par la guerre, est le maintien de la paix, et préoccupé, en même temps, de l'immense commerce étranger dont les intérêts se trouvent engagés dans ces questions, et auxquels toute lutte dans ces pays porte nécessairement atteinte, a fait tous ses efforts pour stériliser ces provocations et pour éviter les éventualités hostiles auxquelles elles pouvaient conduire. Toutefois, il est une mesure où s'arrête la prudence; et si par malheur, si par une acte d'inexplicable aberration politique, le Paraguay violait à la fois et le territoire Argentin et le Traité qui oblige mutuellement le Paraguay et la République Argentine à ne se faire la guerre qu'après l'avoir déclarée respectivement six mois à l'avance, le Gouvernement de la République Argentine se trouverait alors dans la nécessité absolue de renoncer à son attitude pacifique, pour accepter la guerre, la poursuivre avec énergie, et la terminer avec promptitude.

Ce ne sont là encore, Milord, que des hypothèses. J'ose espérer qu'elles ne viendront point à se réaliser; mais, dans tous les cas, j'ai regardé comme un devoir d'appeler la haute et impartiale attention de votre Seigneurie sur les intentions qui dirigent mon Gouvernement, et sur une politique qui lui a mérité l'approbation de l'Europe, et, en particulier, les si précieuses sympathies de la nation et du Gouvernement Britanniques.

Daignez, &c.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire
de la Confédération Argentine,
(Signé) M. BALCARCE.

(Translation.)

My Lord,

Maurigy's Hotel, Waterloo Place, London, May 22, 1865.

MAY I be allowed to suggest to your Excellency some considerations with reference to the imminent complications that the attitude and policy of the Government of Paraguay may produce?

For some time past the official or officious organs of President Lopez have used all the means in their power to set the public opinion of Europe against the Argentine Confederation by abusing the deeds and intentions of its Government, and by describing it as systematically opposed to the Republic of Paraguay.

In reply to these obstinate and unjust attacks, my Government—convinced that the greatest blessing that the Argentine Republic, so often disturbed by warfare, can enjoy, is the maintenance of peace, and preoccupied at the same time by the enormous foreign trade, the interests of which are mixed up with these questions, and in which every struggle in these countries has some influence—has done its utmost to put an end to these disputes, and to avoid the warlike results to which they may lead. In any case there is a point at which prudence would stop; and if by bad luck, or by an act of inexplicable political aberration, Paraguay were to violate both the Argentine territory and also the Treaty which is equally binding on Paraguay and the Argentine Republic only to wage war, after having announced it respectively six months in advance, the Government of the Argentine Republic would then be obliged to renounce its pacific attitude, in order to prepare for war, to carry it on energetically, and promptly to conclude it.

But still, my Lord, these are merely hypotheses. I venture to hope they may never be realised; but in any case I have considered it my duty to call your Lordship's noble and impartial attention to the purposes that influence my Government, and to a policy by which it has gained the approbation of Europe, and the valuable sympathy of the British nation and Government in particular.

Accept, &c.

Envoy Extraordinary and Minister Plenipotentiary
of the Argentine Republic,
(Signed) M. BALCARCE.

No. 16.

The Secretary to the Admiralty to Mr. Hammond.—(Received May 25.)

Sir,

I AM commanded by my Lords Commissioners of the Admiralty to send you here with, for the information of Her Majesty's Secretary of State for Foreign Affairs, a copy of a letter dated the 13th ultimo, from Rear-Admiral the Honourable C. B. Elliot, reporting on the state of affairs in the River Plate.

Admiralty, May 22, 1865.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure in No. 16.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Triton," Monte Video, April 13, 1865.

I HAVE the honour to acquaint you, for the information of the Lords Commissioners of the Admiralty, that Vice-Admiral Tamandaré informed me to-day that he had sent eight Brazilian gun-boats up the Paraná to Corrientes, with the view of blockading the River Paraguay, and that others would follow immediately. He said that to avoid giving unnecessary inconvenience to trading vessels in the river, he had given notice through the Brazilian Minister at Buenos Ayres, who would communicate with the foreign Diplomatic Agents there of his intention to establish the blockade.

2. Rumours have existed for some days to the effect that Paraguay had declared war against the Argentine Confederation. The Vice-Admiral said he had every reason to believe in the truth of that report.

3. I inquired whether any troops were to accompany the naval expedition up the river, and what was to become of the Brazilian army now at Monte Video, amounting, according to the Vice-Admiral, to 11,200 men, including 4,000 recruits. He told me there were only 600 soldiers going with his ships, and that it was intended that the troops now at Monte Video should go to reinforce those collected at Rio Grande. He assumes that an Argentine force will be collected at Corrientes, which would assist him in his operations up the river.

I have, &c.
(Signed) C. B. ELLIOT.

No. 17.

Earl Russell to Señor Balcarce.

Sir,

Foreign Office, May 25, 1865.

I HAVE the honour to acknowledge the receipt of your note of the 22nd instant, respecting the state of affairs between Paraguay and the Argentine Republic.

I am, &c.
(Signed) RUSSELL.

No. 18.

Mr. Thornton to Earl Russell.—(Received June 4.)

My Lord,

Buenos Ayres, April 20, 1865.

I HAVE the honour to inform your Lordship that Senhor Octaviano de Almeida Rosa arrived here on the 16th instant, and was received on the 18th instant by his Excellency the President, to whom he delivered a letter from the Emperor of Brazil, accrediting him as His Majesty's Envoy Extraordinary and Minister Plenipotentiary on a special mission to the Argentine Republic.

I have, &c.
(Signed) EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received June 4.)

My Lord,

Buenos Ayres, April 24, 1865.

IN my despatch of the 12th instant I had the honour to inform your Lordship of a rumour which was then current in Buenos Ayres, that the Republic of Paraguay had declared war against the Argentine Republic. No communication, however, upon that or any other subject has since been received from the Paraguayan Government; but on the 16th instant news reached this town that on the morning of the 13th instant five Paraguayan war-steamers crowded with soldiers made their appearance at the Argentine port of Corrientes. Two of them ranged alongside two small Argentine steamers of war, the "25 de Mayo" and the "Gualeguay," which were lying at anchor in the port, and without any intimation whatever fired a volley of grape-shot and musketry into them, and then proceeded to board them. I am assured that the officers and crews of the Argentine vessels, who had a right to believe, and really did believe, that peace existed between their country and Paraguay, rushed upon deck without arms, and that several of them were killed where they stood. I fear that among them were some Englishmen. The Paraguayan steamers then retired, taking with them their two prizes.

The exploit was doubtless a barbarous one, and the news created, as may be supposed, great irritation and excitement. The answer to it could not but be a declaration of war, and I have the honour to inclose translations of the Proclamation which was immediately issued by the President; of a Decree of the 16th instant, putting the whole of the Republic under martial law; and of a circular addressed by Señor Elizalde to the Diplomatic Body on the 18th instant, stating the causes which forced the Argentine Government to make war upon Paraguay. A copy of my answer is likewise inclosed.

The provocation given by President Lopez seemed so extraordinary that it was believed he must count upon some co-operation and assistance from what is called the Federal party in the Argentine Republic, which is in political opposition to the Government, and of which General Urquiza is the head; but if so, it would seem that he has been completely disappointed, for General Urquiza has declared his entire adhesion to the Government in the war against Paraguay, has accepted the command conferred upon him by General Mitre of the Entre Rios contingent, and is actively engaged in assembling his men.

The Government are likewise taking the most energetic measures for forming an army; 1,500 men were dispatched yesterday up the River Paraná, and they will soon be followed by 5,000 or 6,000 more. The Governor of Corrientes has already collected 5,000 men in his province, and General Urquiza will, in a few days, have under his orders 10,000 men in Entre Rios. I believe that in about two months General Mitre, who will put himself at the head of the army, may have at his disposal nearly 25,000 men. I presume that the Brazilian forces now at Monte Video, or on their way towards Entre Rios, are not less than 16,000 men. The Argentine Government have no vessels that can really be called men-of-war, although they have five or six steamers at their disposal which will be useful as transports; but the Brazilians have about twenty serviceable steamers of war, suited to the navigation of the rivers, eight of which should be now near Corrientes.

For some days it has been rumoured that a Paraguayan force had also taken possession of the town of Corrientes, but it was only yesterday that authentic news arrived that six Paraguayan steamers appeared on the morning of the 14th instant at Corrientes, and landed about 4,000 men, who occupied the town. They were subsequently joined by about 1,000 Cavalry who had come along the coast of the River Paraná. Another Paraguayan force, but of what amount it is not known, came lower down the river and took possession of Empedrado, a small town about thirty-five miles below Corrientes, on the coast of the Paraná.

I had supposed that on the arrival here of Senhor Octaviano, the Brazilian Minister, who had come here sooner than he had intended, at the invitation of the Argentine Government, negotiations would at once have been entered into for a formal alliance with Brazil as regards the war against Paraguay; but at first there was an evident coolness between Senhor Octaviano and the Argentine Government. I can only attribute it to the stipulation demanded by the former, that both parties should declare that they would respect the independence of the Republic of Paraguay. Both President Mitre and Señor Elizalde have at different times declared to me that for the present they wished Paraguay to be independent; that it would not suit them to annex Paraguay, even if the

Paraguayans should wish it; but that they were unwilling to make any engagement to that effect with Brazil; for they did not conceal from me that whatever were their present views on this point, circumstances might change them hereafter; and Señor Elizalde, who is about 40 years old, said to me one day, though in mere conversation, that "he hoped he should live to see Bolivia, Paraguay, Uruguay, and the Argentine Republic united in one Confederation, and forming a powerful Republic in South America." It would seem, however, that the nearer approach of danger has tended to modify the views of the Argentine Government upon this subject, and I understand that a confidential understanding with regard to the proposed alliance was come to this morning between President Mitre and Señor Octaviano. A messenger has been despatched this evening to Monte Video for the purpose of inviting General Flores, the Provisional Governor of the Republic of the Uruguay, to visit Buenos Ayres, in order to concert a triple alliance. I presume that on his arrival a formal Treaty will be drawn up. This and other important matters will have to be submitted to the Congress, who it is hoped will open their session on the 1st of next month.

I will endeavour before the sailing of the packet to obtain the heads of the proposed alliance for your Lordship's information.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure 1 in No. 19.

Proclamation of President Mitre.

(Translation.)

Fellow-countrymen!

IN the midst of peace, and in violation of all law, the Government of Paraguay has commenced hostilities by treacherously seizing two Argentine war-steamers in our own territory, and firing on an unprotected town. We are forced into a war, without provoking it, and after doing our best by a neutral policy to avoid it: we must answer war by war, and with all the energy and power of the Argentine nation, whose honour and security have been so basely attacked.

Counting, as I do, on Argentine valour and determination, I have heretofore kept the country on a peace footing, knowing that when the hour of danger arrived all would flock around the national banner and do their duty.

That hour has come. In the name of your country and of the law, I summon you to your posts as citizen soldiers, whose banners are always wreathed with Justice and Victory.

Fellow-citizens! I can confidently promise you the triumph, because all Argentines count on it, and the elements at our disposal, with the aid of Providence, and your valorous patriotism, ensure success.

After this noble effort peace will be more solid, glorious, and fruitful; and you can then resume with double energy the task of progress in which you are interrupted by a barbarous and treacherous aggression.

I need not say that I will fulfil the duties imposed on me by the country and the Constitution, and confiding in the protection of Heaven for so just a cause, and in your generous patriotism, I will not rest until restoring you the peace so basely wrested from us, and vindicating the honour of the Argentine nation.

Your friend and countryman,
(Signed) BARTOLOME MITRE.

Inclosure 2 in No. 19.

Decree.

(Translation.)

Buenos Ayres, April 16, 1865.

THE nation being at war, and in conformity with Article 23 and paragraph 17 of the 86th Article of the Constitution, the President of the Republic decrees:—

Article 1. The whole Republic is declared in a state of siege until the Assembly of the National Congress shall determine upon future mode of proceeding.

Let the National Congress be informed in due time; let it be communicated to whom it may concern, and let it be published and inserted in the National Register.

(Signed) MITRE.
RUFINO DE ELIZALDE.
LUCAS GONZALES.
JUAN A. GELLY Y OBES.

Inclosure 3 in No. 19.

Señor Elizalde to Mr. Thornton.

(Translation.)

Buenos Ayres, April 18, 1865.

THE Undersigned, Secretary of State for Foreign Affairs, has received special command from his Excellency the President of the Argentine Republic to address you as follows:—

Whereas the Argentine Government, intent on a neutral policy in the war between the Republic of Paraguay and the Empire of Brazil, maintained this country on a peace footing, and merely demanded from Paraguay a friendly explanation relative to the large forces stationed on our frontier, the Government of Paraguay has, meantime, without giving any reply, and in violation of Treaties and of all the usages of civilized nations, penetrated with armed force into the territory of the Republic, seizing two steamers of the Argentine fleet anchored in the port of Corrientes, firing upon that defenceless town, and thus declaring an unjustifiable war against the Republic with which, up to that moment, it preserved peaceful relations.

This unprecedented deed places the National Government in the necessity of hastening to defend its threatened territory, and vindicate by arms the honour and dignity of the Republic thus outraged.

The Argentine Government, conscious of its right and strength, accepts the war provoked by the Paraguayan Government; and will prosecute it with all the energy demanded by this aggression on the sovereignty of the Republic, leaving to the impartial decision of the foreign Agents accredited near this Government the appreciation of those facts which have forced us to abandon the policy of neutrality hitherto invariably observed in the questions of neighbouring countries.

The Government trusts that the peace now momentarily disturbed will soon be restored, and prove more fruitful in results for the commercial relations with foreign States and the development of national progress.

In fulfilling the orders of his Excellency the President of the Republic, the Undersigned, &c.

(Signed) RUFINO DE ELIZALDE.

Inclosure 4 in No. 19.

*Mr. Thornton to Señor Elizalde.**Buenos Ayres, April 19, 1865.*

THE Undersigned, Her Britannic Majesty's Minister Plenipotentiary, has the honour to acknowledge the receipt of a note of yesterday's date from his Excellency Dr. Don Rufino de Elizalde, Minister for Foreign Affairs of the Argentine Republic, informing him, by order of his Excellency the President, of the circumstances which have obliged the Government of the Republic to defend her territory, which is being menaced, and to vindicate by arms the national honour and dignity, which have been attacked.

The Undersigned cannot but express his deep regret that, instead of complete peace both at home and abroad, and a career and hope of prosperity such as has seldom fallen to her lot, the Republic should have been compelled to abandon the policy of neutrality which her Government had wisely thought it expedient to observe; he joins, however, in the hope expressed by the Government that this unhappy state of things may be of short duration.

The Undersigned will not fail to communicate the contents of his Excellency Señor de Elizalde's note to Her Majesty's Principal Secretary of State for Foreign Affairs, and avails, &c.

(Signed) EDWD. THORNTON.

No. 20.

Mr. Thornton to Earl Russell.—(Received June 4.)

My Lord,

Buenos Ayres, April 24, 1865.

ON the 17th instant a Decree, of which I have the honour to inclose translation, was published in the newspapers of this city. It declares that all the ports on the coast

of the Republic of Paraguay are blockaded, and it is signed by President Mitre and his Ministers.

Upon seeing it I called upon Señor Elizalde, and observed that this blockade could not be considered to exist until the ports were guarded by an effective force. His Excellency replied that it was merely a declaration of blockade by the Government, and would be further notified whenever a sufficient force should be present to carry it out. Until then vessels might go to the ports in question, and would incur no penalties until they had been actually notified by the blockading force itself.

The next day I received a note from Señor Elizalde, translation of which I have the honour to transmit herewith, inclosing copy of the above-mentioned Decree; a copy of my answer to this note is likewise inclosed.

On the 20th instant I received a letter, dated the 14th instant, from my Brazilian Colleague, M. Leal, inclosing copy of one from Admiral Tamandaré, in which it is announced that the ports and coast of the Republic of Paraguay will be blockaded by the Brazilian naval force which is now on its way up the Paraná; and, further, that the ports in the province of Matto Grosso, being occupied by the Paraguayans, are closed to all vessels. A translation of M. Leal's letter to me, together with my answer, I have herewith the honour to inclose.

The force mentioned in M. Leal's letter consists of eight gun-boats, which passed Martin Garcia on the 12th instant, and should now, if they have met with no obstacle, be near Corrientes. They are good vessels, built for men-of-war, and well armed, and may therefore be considered nearly a match for the Paraguayan steamers, which are about twenty, but all slightly built, as passenger steamers on the rivers, and not strongly armed. I imagine, however, that Admiral Tamandaré, who I understand will shortly proceed up the river, will take with him several more steamers.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure 1 in No. 20.

Decree.

(Translation.)

Buenos Ayres, April 17, 1865.

THE nation being at war with the Government of Paraguay, the President of the Republic decrees—

Art. 1. From the date of publication of this Decree, all the ports on the littoral of the Republic of Paraguay, and which are occupied by its Government, are declared blockaded.

Let it be communicated, &c.

(Signed)

MITRE.
RUFINO DE ELIZALDE.
LUCAS GONZALES.
J. ANDRES GELLY Y OBES.

Inclosure 2 in No. 20.

Señor Elizalde to Mr. Thornton.

(Translation.)

Buenos Ayres, April 18, 1865.

THE Undersigned, &c., has the honour to inclose to your Excellency translation of a Decree issued by the Government of the Republic, in which is decreed the blockade of all the ports on the littoral of the Republic of Paraguay occupied by its Government; and it has been made effective.

The Undersigned, &c.

(Signed)

RUFINO DE ELIZALDE.

Inclosure 3 in No. 20.

Mr. Thornton to Señor Elizalde.

Buenos Ayres, April 19, 1865.

THE Undersigned, Her Britannic Majesty's Minister Plenipotentiary, has the honour to acknowledge the receipt of a note of yesterday's date from his Excellency Dr. Don

Rufino de Elizalde, &c., inclosing copy of a Decree directing the blockade of the ports on the coast of the Republic of Paraguay, which it has been ordered to render effective. From the tenour of his Excellency's note the Undersigned infers that neutral vessels proceeding to those ports will incur no penalty until a sufficient force be present there to compel the observance of the blockade.

The Undersigned, &c.

(Signed)

EDWD. THORNTON.

Inclosure 4 in No. 20.

Senhor Leal to Mr. Thornton.

(Translation.)

M. le Ministre,

Imperial Legation of Brazil,

Buenos Ayres, April 14, 1865.

I HAVE the honour to place in your Excellency's hands the inclosed note, copy of a despatch from Vice-Admiral Viscount de Tamandaré, in which he begs this Legation to inform your Excellency that, in consequence of orders received from the Government of His Majesty the Emperor my august Sovereign, the naval forces under his command are going to blockade the ports on the coast of Paraguay, and that this blockade will take effect from the day that it shall be established by the divisions of the Imperial Squadron now on their way up the River Paraná.

The Vice-Admiral requests that I should further communicate to your Excellency that the Government of President Lopez having occupied the ports of Matto Grosso, the Imperial Government have determined to allow no national or foreign vessel to proceed to those ports until a new declaration.

Having carried out Viscount Tamandaré's request, it only remains for me to renew, &c,

(Signed)

FELIPE JOSE PEREIRA LEAL.

Inclosure 5 in No. 20.

Vice-Admiral de Tamandaré to Senhor Leal.

(Translation.)

Illustrious Sir,

On board the gun-boat "Paranahyba," Monte Video,
April 10, 1865.

I HAVE the honour to inform your Excellency that, in virtue of orders received from the Imperial Government, the forces under my command are about to commence hostilities against Paraguay, in reply to the war which in time of peace that Republic has so shamefully declared against us.

In consequence, I am going to take active measures to blockade the ports and commence hostilities on the coast of the Paraguay, until, ceding under this pressure, complete satisfaction shall be given for all the insults and damages which have been caused to the Empire.

The blockade will take effect from the day on which it is established by the divisions under my command, which are at this moment proceeding up the River Paraná.

Foreign vessels loading in the ports of Paraguay will be allowed twenty days to clear out, after the blockade is established.

The ports of the Province of Matto Grosso opened to commerce, being now in possession of the enemy, the Imperial Government does not allow any vessels, of whatever nationality they may be, to proceed to these ports until a fresh declaration.

In making this communication to your Excellency, I have to request that you will be good enough to bring it to the notice of the Government to which your Excellency is accredited, as also to the Diplomatic Agents and foreign Consuls, in order that they may warn the merchants of their respective nations, so that they may avoid despatching vessels to Paraguay, thus saving themselves from the expense of the voyage which should be made to any of the blockaded places.

I take, &c.

(Signed)

VISCONDE TAMANDARE.

Inclosure 6 in No. 20.

Mr. Thornton to Senhor Leal.

Sir,

Buenos Ayres, April 21, 1865.

I HAVE the honour to acknowledge the receipt yesterday of your Excellency's letter of the 14th instant, informing me that, in consequence of orders received from the Government of His Majesty the Emperor of Brazil, the ports and coast of the Republic of Paraguay will be blockaded by the Brazilian naval forces now on their way up the Paraná, and further, that the ports of Matto Grosso having been occupied by the Paraguayan Government, no national or foreign vessel will be allowed to proceed up the river to those ports.

I beg your Excellency to accept my thanks for communicating to me the intended measures of the Brazilian forces, which I have taken measures for making known to the masters of British merchant-vessels.

I have, &c.

(Signed) EDWD. THORNTON.

No. 21.

Mr. Thornton to Earl Russell.—(Received June 4.)

(Extract.)

Buenos Ayres, April 24, 1865.

CONSIDERING the war which is being carried on between Paraguay and Brazil, and that the waters and coasts of the River Paraná and Paraguay might be the scene of conflicts between the belligerents, I addressed a letter on the 12th instant to Admiral Elliot, copy of which I have the honour to inclose, suggesting to him the expediency of sending one of the vessels under his orders up the River Paraná for the protection of British interests; and I at the same time proposed to send on board the vessel he might order on this service one of the members of this Legation, who might be useful by his knowledge of the language, and might keep me acquainted with the progress of the war.

Since I wrote this step has become of more importance by the circumstance of the Argentine Republic having also become involved in war with Paraguay.

Admiral Elliot, to whom I am grateful for the earnest desire he always shows to co-operate with me most cordially for the good of Her Majesty's service, readily assented to my suggestion, as your Lordship will perceive by the inclosed letter from the Admiral, and Her Majesty's gun-boat "Doterel" started this morning for Corrientes, having at my request received on board Mr. Pakenham, First Secretary to this Legation.

I hope your Lordship will not disapprove of the decision I have taken with regard to Mr. Pakenham: it will give him an opportunity such as seldom occurs of getting an insight into the affairs of these countries, and of furnishing valuable information.

On mentioning a few days ago to Señor Elizalde that the "Doterel" was going up the Paraná, his Excellency asked me whether there was any intention of her being sent on to Assumption.

On my replying that this might depend upon what news Lieutenant Johnson might receive at Corrientes, his Excellency said that the blockading force at the mouth of the Paraguay would have a right to prevent men-of-war from going up that river.

I replied that it was a right which, strictly speaking, a blockading force possessed, though it was one which had not of late been enforced, but that it might be a matter of humanity that an English man-of-war should go to Assumption for the purpose of offering protection to British subjects, and a means of escape from that town should they desire it.

It seemed to me that no objection ought to be made to an occasional visit to Assumption by one of Her Majesty's ships, so as to give an opportunity of escape to British residents there should they wish to avail themselves of it, especially when the blockading force was so distant from the port blockaded that there might be no other means of escape.

To these observations, his Excellency replied that his Government would have no objection to neutral men-of-war visiting Assumption for a few days, provided they did not remain there permanently.

I therefore told Lieutenant Johnson that if he should hear any news at Corrientes which would make him think it expedient to proceed to Assumption for the protection of British interests, he would do well to inform the Commander of the blockading squadron

or Admiral Tamandaré himself, if he should be there. of his intention to do so, and of the object of his visit; but I recommended him not to remain there more than sufficient time to give full power to the few British subjects resident there to leave Assumption if they should wish to do so.

Inclosure 1 in No. 21.

Mr. Thornton to Rear-Admiral Elliot.

Sir,

Buenos Ayres, April 12, 1865.

I HAVE the honour to inclose under flying-seal, and for your information, a despatch which I have addressed to Earl Russell, and which I beg you to forward by the French packet.

You will see by its contents what is the probability of hostilities being carried on on the River Paraguay or in its neighbourhood; and I take the liberty of submitting to you the expediency of sending, whenever it may not interfere with Her Majesty's service, one of the vessels under your command in that direction for the purpose of watching the steps which may be taken by the belligerents, and protecting British interests.

Should you deem it advisable to do so, I should probably, with your permission, send on board of her one of the members of this Legation, who, from his knowledge of the language, might be useful in obtaining information, and who might report to me directly whatever might occur.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure 2 in No. 21.

Rear-Admiral Elliot to Mr. Thornton.

Sir,

"Triton," Monte Video, April 17, 1865.

I HAVE to acknowledge the receipt of your letter of the 12th instant, inclosing under flying-seal a despatch which you addressed to Earl Russell, and which I have forwarded by the French mail.

In reply to your suggestion, that one of Her Majesty's vessels should be sent up the Paraná for the purpose of watching the steps which may be taken by the belligerents and to protect British interests in that direction, I beg to inform you that I will order the "Doterel" on that service, and will desire Lieutenant Johnson to receive on board her any member of your Legation you desire to send.

I have, &c.

(Signed) CHAS. B. ELLIOT.

No. 22.

Mr. Thornton to Earl Russell.—(Received June 4.)

My Lord,

Buenos Ayres, April 24, 1865.

WITH reference to your Lordship's despatch of the 8th ultimo, inclosing copy of a letter addressed by your direction to the Admiralty with respect to the free navigation of the Rivers Paraná and Uruguay, I have the honour to inform your Lordship of my conviction that none of the belligerents have any intention of interfering with the free navigation of these rivers. On the contrary, as the principal operations of the war will be probably carried on in the upper parts of the Paraná and Uruguay, it will be to their interest to encourage neutral vessels to bring up all sorts of supplies.

An exception will of course be made with regard to munitions of war; and Mr. Parish has, at my request, inserted a notice in the English newspaper published here, and posted it at the Consulate, warning British shipmasters not to carry munitions of war for any of the belligerents. But as the enemies of Paraguay in this war will probably command the Rivers Paraná and Uruguay, and will blockade the Paraguayan ports, little would be gained by searching vessels in the Paraná and Uruguay for contraband.

A few days ago some rifles and other articles, said to belong to the Paraguayan Government, were seized by the Argentine authorities on board an English steamer at a

little port in this province called the "Tigre," about eighteen miles from Buenos Ayres. It is rumoured that an Englishman is about to claim them as his, but no representation has as yet been made to me on the subject, and I have reason to believe that they really belonged to the Paraguayan Government.

I have, &c.
(Signed) EDWD. THORNTON.

No. 23.

Mr. Thornton to Earl Russell.—(Received June 4.)

(Extract.)

Buenos Ayres, April 28, 1865.
GENERAL MITRE told me yesterday that he should leave Buenos Ayres to put himself at the head of the army immediately after the meeting of Congress, and that he hoped his departure would not be delayed beyond the 5th of next month. I understand that General Mitre will be Commander-in-chief of all the forces, Argentine, Brazilian, and Monte Videan.

Señor Elizalde informed me that the Brazilian Government state they will contribute 30,000 men.

							Men.
So that General Mitre can count upon at least	..	..	..	..	..	..	20,000
The Province of Entre Rios will produce at least	..	..	..	..	..	..	10,000
Corrientes	..	..	..	..	..	..	5,000
Buenos Ayres.. ..	..	..	..	..	..	..	10,000
Santa Fè	..	..	..	..	..	..	5,000
Total	..	..	..	..	..	..	50,000

This force can be brought together within a month; and later, about 20,000 more can be procured from the remaining provinces of this Republic. The Republic of the Uruguay also agrees to furnish 5,000 men, though she may find it difficult to fulfil this engagement.

No. 24.

Mr. Lettsom to Earl Russell.—(Received June 4.)

My Lord,

Monte Video, April 18, 1865.
I HAVE the honour to forward to your Lordship herewith translation of a letter addressed to me by Senhor de Albuquerque, Chargé d'Affaires of the permanent Legation of Brazil, and likewise translation of the inclosure therein contained, notifying to me the blockade by Brazil of the ports and shores of Paraguay.

I have further the honour to place in your Lordship's hands a copy of my reply to the communication of Senhor Albuquerque.

I have, &c.
(Signed) W G. LETTSOM.

Inclosure 1 in No. 24.

Senhor Albuquerque to Mr. Lettsom.

(Translation.)
Illustrious Sir,

Imperial Legation of Brazil,

Monte Video, April 15, 1865.

THE Commander-in-chief of the naval forces of Brazil in the River Plate has acquainted me that, in virtue of the orders of the Government of His Majesty the Emperor, he was about to proceed to operate against the Republic of Paraguay in consequence of the war declared and carried on against us by that Power.

Annexed, I have the honour to place in your hands a copy of the notification of the blockade to which the ports and shores of the Republic are about to be subjected by Admiral Viscount de Tamandaré.

Requesting that you will be pleased to cause this notification to be made known to such of your fellow-countrymen as it may concern, I avail, &c.

(Signed) HENRIQUE CAVALCANTI D'ALBUQUERQUE.

Inclosure 2 in No. 24.

Vice-Admiral de Tamandaré to Senhor Albuquerque.

(Translation.)

Illustrious and Excellent Sir,

*On board the gun-boat "Paranahyba," Monte Video,
April 10, 1865.*

I HAVE the honour to make known to your Excellency that, by virtue of the orders of the Imperial Government, the forces under my command will proceed to operate against Paraguay, in reply to the war which this Republic iniquitously declared and wages against us.

In consequence, the same forces are about to blockade and carry on hostilities against the ports and shores of Paraguay, until such time as, ceding to the pressure thereof, she shall give complete satisfaction for all the offences and injuries which she has caused to the Empire.

The blockade will become effective from the day on which it shall be established by the divisions of the squadron under my command at present ascending the Paraná.

It will be permitted to the foreign vessels that are loading at the ports of Paraguay to leave the same until twenty days after the establishment of the blockade.

The ports of the province of Matto Grosso open to commerce being occupied by the enemy, the Imperial Government does not allow vessels of any nation whatever to proceed to them until further declaration.

In making this communication to your Excellency, I have to request that you will be pleased to convey it to the knowledge of the Government to which your Excellency is accredited, and likewise to the foreign Diplomatic and Consular Agents, in order that they notify to the commerce of their countries, so as to prevent the expedition of vessels to Paraguay, and thus free them from the expenses of the voyage to the places blockaded.

I avail, &c.

(Signed)

VISCOUNT DE TAMANDARÉ.

Inclosure 3 in No. 24.

Mr. Lettsom to Senhor Albuquerque.

Sir,

Monte Video, April 17, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 15th instant, transmitting to me a copy of a note addressed to you by his Excellency the Viscount de Tamandaré, Commander-in-chief of the Brazilian naval forces in these waters, notifying to you that, in virtue of the orders of the Government of His Majesty the Emperor of Brazil, he is about to establish a blockade of the ports and shores of Paraguay in consequence of the war which that Power has declared and is carrying on against the Empire.

While thanking you for the above communication, I avail, &c.

(Signed)

W. G. LETTSOM.

No. 25.

Mr. Lettsom to Earl Russell.—(Received June 4.)

(Extract.)

Monte Video, April 28, 1865.

I HAVE the honour to acquaint your Lordship that last night Brigadier-General Flores proceeded to Buenos Ayres, on board the Brazilian war corvette "Nitheroy," with the view of carrying out negotiations for the formation of a triple alliance between Brazil, the Argentine Republic, and the Oriental Republic of the Uruguay, for prosecuting the war against Paraguay.

General Flores was accompanied by Dr. de Castro, the Minister for Foreign Affairs, who proceeds to Buenos Ayres in the character of Uruguayan Envoy Extraordinary, on a special mission.

A friend of General Flores having mentioned to me some days ago that the General would probably assume that command, I took an opportunity of asking Dr. de Castro what foundation there was for a report that had reached me to this effect.

His Excellency told me that as yet no such scheme had come to his knowledge, and that the most this country would do to favour the movement of Brazil against Paraguay, would, in his opinion, be limited to sending an army of observation towards the Brazilian frontier.

No. 26.

The Secretary to the Admiralty to Mr. Hammond.—(Received June 6.)

Sir,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, copy of a letter dated the 27th of April, from Rear-Admiral the Honourable Charles Elliot, reporting on the state of affairs in the River Plate.

Admiralty, June 5, 1865.

I am, &c.

(Signed)

C. H. PENNELL, *pro Sec.*

Inclosure in No. 26.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Triton," Monte Video, April 27, 1865.

BY last packet I acquainted you, for the information of their Lordships, that a report was then current that Paraguay had declared war against the Argentine Confederation. It was afterwards ascertained that on the 13th instant, without any previous declaration of war, five Paraguayan Government steamers with additional troops on board came down the Paraná and appeared off the port of Corrientes, where two Argentine war steamers, "The 25th of May" and "Galeguay," were lying unconscious of danger from a Power with which their country was at peace. The Paraguayan squadron passed the Argentine vessels, and then turning back ran up to them, and without even a summons to surrender opened upon them a brisk fire of musketry and a few rounds from their heavy guns; killing, it is believed, many of those on board. The Argentines appear to have been taken quite by surprise; they were captured and taken up the river by the Paraguayan squadron. Thus has commenced a war between the two countries.

On the following day the town of Corrientes was taken possession of without resistance by a Paraguayan force of 7,500 men, 5,000 of which came by land and the rest by steamers.

The news of these outrageous proceedings on the part of President Lopez produced great excitement at Buenos Ayres, where the Government had maintained a neutral policy, successfully resisting attempts of other Powers to entangle them in the war. Now both the Government and the nation generally appear determined to prosecute the war with vigour. Every preparation is being made to assemble an army as quickly as possible in the province of Corrientes, where the Brazilian gun-boats which have gone up the river will be able to co-operate with them.

General Flores, with some of the members of the Monte Videan Government, proceed to Buenos Ayres to-day, in company with the Brazilian Admiral, to concert measures with the Argentine Government, and it is expected that a triple alliance will be formed, and that the plans of the campaign against Paraguay will be formally agreed upon.

The Brazilian troops from Monte Video have commenced moving; 1,000 men have set out on their march to Salto (opposite Concordia on the Uruguay); 1,000 have embarked, and proceed up the Paraná towards Corrientes; and 2,000 have embarked for Concordia, to which place others will follow when transport is obtained.

I have, &c.

(Signed)

CHAS. B. ELLIOT.

No. 27.

The Secretary to the Admiralty to Mr. Hammond.—(Received June 6.)

Sir,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 27th April, from Rear-Admiral Elliot, relating to the blockade of the Paraguayan ports.

Admiralty, June 5, 1865.

I am, &c.

(Signed)

C. H. PENNELL, *pro Sec.*

Inclosure 1 in No. 27.

Rear-Admiral Elliot to the Secretary to the Admiralty.

Sir,

"Triton," Monte Video, April 27, 1865.

I HAVE the honour to acquaint you that, on the 20th instant, I sent Her Majesty's gun-boat "Doterel" up the Paraná, towards Corrientes and the River Paraguay, for the purpose of protecting British interests. As it was the intention of the Brazilian Admiral to blockade the ports of the River Paraguay, I instructed Lieutenant Johnson that it would be his duty to respect any blockade of such ports if effectually established and maintained.

The inclosed declaration of blockade of Paraguayan ports, dated 17th instant, has been published by the Argentine Government, but it is evidently invalid, no blockade having, in fact, been established, and the Paraguayans having, at that time, a numerous and unopposed squadron of steamers to protect their ports.

The Argentine Minister for Foreign Affairs has since declared that the Decree of the Government would not prevent neutral vessels from going to Paraguayan ports, as long as there is no effective force to blockade them; and that those vessels would not incur any penalty until they should attempt to enter, after having been notified by the blockading force on the spot.

At the desire of Mr. Thornton, the Honourable F. J. Pakenham, Secretary of Legation, went in the "Doterel."

I have, &c.

(Signed) CHAS. B. ELLIOT.

Inclosure 2 in No. 27.

Decree, dated April 17, 1865.

[See Inclosure 1 in No. 20.]

No. 28.

Earl Russell to Mr. Thornton.

Sir,

Foreign Office, June 7, 1865.

I HAVE received your despatch of the 24th of April last, and I have to state to you that Her Majesty's Government approve the note which you addressed to Señor de Elizalde, in reply to his Excellency's announcement of the breaking out of hostilities between the Argentine Republic and Paraguay.

I am, &c.

(Signed) RUSSELL.

No. 29.

Señor Bareiro to Earl Russell.—(Received June 14.)

(Translation.)

My Lord,

Legation of Paraguay, Paris, June 10, 1865.

THE imputations made by the Argentine Government against the Government of Paraguay, to the effect that it has not acted in accordance with usage and with Treaties in commencing war without previous declaration, and the circumstance that I have myself not received my official communications from Asuncion, compel me to assume that your Excellency's Government is in a similar persuasion; and this determines me to address your Excellency as I have now the honour to do, requesting you to be pleased to suspend all judgment in this respect, from these natural considerations.

Paraguay, which has always taken care to keep the neutral Powers informed of such of its determinations as may affect their interests, could not fail to fulfil this duty in the most important of its questions. I ask your Excellency to be pleased to observe that the disadvantage of its geographical position makes its present enemies, situated on the

harbours of the Plata the masters of its communications with Europe and the world, and authorises a natural apprehension that some hostile and intended interception may have taken place. What corroborates this apprehension is the want of respect for the real truth ("exactitud de los hechos") which is shown by the assertion that Paraguay has violated Article III of its Treaty of 1856 with the Argentine Republic, which stipulates that if war should take place between the two countries, hostilities should not begin without a previous notification made six months before. That was in fact stipulated, M. le Ministre; but the stipulation ceased to exist three years ago.

The Treaty signed on the 29th July, 1856, for the term of six years, not to be prolonged, reckoning from the exchange of ratifications (Article XXXII), expired on the 6th November, 1862, the sixth anniversary of the 6th November, 1856, when the said exchange took place. It contains no clause which would authorize the presumption of a tacit prolongation, as is usually stipulated in Treaties, for a fixed term.

In regard to the causes of the war with the Argentine Republic, awaiting the satisfactory exposition thereof which my Government will be able to give to that of your Excellency, I take the liberty, my Lord, authorized by the circumstances, to point out to your Excellency, as the chief and most obvious of those causes, the alliance and co-operation, at first tacit and latent, but now ostensibly given by the Argentine Government to that of Brazil, in the menacing war which the latter is carrying on against the independence of the Oriental State of Uruguay, and the essential guarantee of its own.

The best proof that the views of Brazil, in her war with the Banda Oriental, have outlived that same war, is the war now going on against Paraguay with no other reason than because it continues to resist that act which is the best confirmation of the existence of those ambitious views; that is to say, the presence of the armies of Brazil in the Oriental territory and in the countries of La Plata.

All its tranquillity would be re-established by a simple act on the part of Brazil, which would amount to no more than respect for Treaties; not a mere promise to withdraw her armies, which she already made without result by the Convention of the 20th of February, but the fact of a real withdrawal within her own borders. Buenos Ayres and Monte Video, which are now only the tools of Brazil in a question which does not belong to them, and the object of which is as hostile to Paraguay as to the commercial nations of Europe interested in a free and direct intercourse with the interior of America,—Buenos Ayres and Monte Video would remain at peace by the simple retirement of the Power which retains them in its service at war in a country which, far from offending them and rivalling their advantages, pacified one of them as mediator in 1859, and protected the independence of the other at the cost of its own tranquillity.

Trusting always, in the name of my country's gratitude, in the favour of the intelligent sympathies of your Excellency's Government, and in the support of its good and sound advice, I take, &c.

(Signed) CANDIDO BAREIRO.

No. 30.

Earl Russell to Señor Bareiro.

M. le Ministre,

Foreign Office, June 16, 1865.

I HAVE the honour to acknowledge the receipt of your note of the 10th instant, respecting the attitude of Paraguay in the present conflict with Brazil.

I am, &c.

(Signed) RUSSELL.

No. 31.

Mr. Thornton to Earl Russell.—(Received June 17.)

My Lord,

Buenos Ayres, May 6, 1865.

I HAVE the honour to transmit herewith to your Lordship translation of a note dated the 29th March last, addressed by Señor Berges, Paraguayan Minister for Foreign Affairs, to Señor Elizalde, in answer to the latter's note of the 9th of February last copy of which was inclosed in my despatch of the 25th March.

This note only came to the knowledge of the Argentine Government on the 1st instant through the medium of the Paraguayan newspaper "Semanario," in which it

had been published. The original at length reached their hands on the 3rd instant, nineteen days after the town of Corrientes had been occupied by the Paraguayan forces.

Señor Berges transmitted in the above-mentioned note a copy of the declaration of war sanctioned by the Paraguayan Congress on the 18th of March, translation of which I have the honour to inclose.

The reasons put forward in this document for the extreme measure of war are—

1. The refusal by the Argentine Government to the Paraguayan forces of a passage through the Province of Corrientes.

2. The refusal to recognize the right of Paraguay to the territory of Misiones between the Paraná and Uruguay.

3. Because the Argentine Government allow the enlistment of men at Buenos Ayres to be employed against Paraguay; and

4. The support given by the official press of Buenos Ayres to the cause of Brazil against Paraguay.

With regard to the first argument, I believe few will deny that this Republic had a full right to refuse a passage across her territory both to the Brazilians and Paraguayans.

The Argentine Government have always declined to acknowledge the right of Paraguay to the territory of Misiones; but notwithstanding this, they have taken no active measures to prevent the constant occupation of that territory by the Paraguayans.

As for the enlistment of men at Buenos Ayres for the Brazilian service against Paraguay, I can only say that I have never been able to discover that anything of the sort has been going on.

No really official press exists in this country. The Government has so little control over it, that its liberty often borders upon licence. There may be a particular paper the editor of which may be on friendly terms with the members of the Government, and may write in accordance with their views; but it is certain that they can never be confident that the same paper may not criticise their measures with the greatest severity.

It begins, however, to be daily more evident that President Lopez counted upon disaffection in the Argentine Republic, and there is little doubt that before Monte Video surrendered to the united forces of General Flores and of the Emperor of Brazil, he had good reason for cherishing such a hope. Now, however, those who were then disaffected appear willing to allow themselves to be led in the direction pointed out by their own interests, and I believe that General Mitre may count upon their co-operation.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure 1 in No. 31.

Señor Berges to Señor Elizalde.

(Translation.)

Assumption, March 29, 1865.

THE Undersigned, &c., has the honour of acknowledging to your Excellency the receipt of the two notes dated the 9th of February which you did him the honour to address him.

One of those notes was a reply to that which the Undersigned had the honour of addressing your Excellency on the 14th of last January, soliciting the harmless transit through the province of Corrientes for the army intended to operate against the Empire of Brazil, in its province of San Pedro de Río Grande del Sud, in the war which has unhappily broken out between the two parties, and to which the Republic has been forced by the Imperial Government.

Such a just and considerate request, with the securities offered, allowed the Government of the Undersigned to hope that the Argentine Government would have assented thereto, especially as it implied nothing which would not be authorized by the law of nations, and suggested by equity and by the relations between the two Governments, as well as by the imperious necessity which constrained the Republic of Paraguay to combat the Imperial Government on its own territory; in order to obtain results which might dispose the Cabinet of San Cristoval to listen to the voice of justice, and to give the necessary securities for its future policy respecting the interests of this Republic, those of the Oriental State of the Uruguay, and in general for those of all the States of the Plata.

But the Government of the Undersigned has with very great mortification received

this refusal, aggravated by the inconsistent reasoning which the Argentine Government has employed to explain its motives for the refusal of so just and indispensable a request ; and it considers this proceeding to be so untoward that it is unable to resist the conviction and the evidence that the Argentine Government, in thus favouring Brazil, exhibits a hostility to Paraguay which has not even the merit of candour and honesty.

If this were not sufficient to convince the Government of the Undersigned, the contents of the two notes to which this note is a reply, and positive facts proving the unjustifiable animosity which the Argentine Government for years past has nurtured towards this Republic and its Government, would dissipate every illusion as to the tendencies of the policy of the Argentine Government towards it.

The boasted assurances of neutrality manifested by the Government of your Excellency in one of its notes of the 9th of last February, as a motive for refusing the transit of the Paraguayan army to the Brazilian province of San Pedro del Rio Grande del Sud, no longer delude any one, and still less the Government of the Undersigned, to give them that consideration and credit which is paid to the official assurances of every Government which, in respecting public opinion, respects itself. The Government of your Excellency, from unfortunate antecedents and its policy towards the Oriental State, will not be surprised that the Government of Paraguay does not consider them as the real expression of its policy towards this Republic.

No one is ignorant that an Argentine General landed in the Oriental Republic without cause or motive, not even called by the political party to which he professed to belong, in order to revolutionize the country and to combat the legal Oriental Government and population with Brazilian and Buenos Ayrean elements, recruited and supplied by an Oriental Revolutionary Committee, which publicly and scandalously acted in what is now the capital of the Argentine Confederation, under the eyes and connivance of the National Government ; a proceeding upon which the Government of your Excellency has not to the present moment given the friendly explanations which were asked for by the Government of the Undersigned, and which, although the most ample assurances of strict neutrality in the Oriental affairs were offered by the Government of his Excellency General Mitre, have not yet been received.

This disastrous proceeding has brought upon the lacerated Oriental Republic many misfortunes and manifest acts of treason, the loss of its independence, and even its autonomy, of which it retains now nothing more than a shadow. And this is due, M. le Ministre, to the uncharacterizable policy of the Argentine Government, which has not even the excuse of gain or self-interest, but is reduced to play the part of a Brazilian agent, preparing for the Empire the victim of its disloyal policy and absorption.

Such fatal results might have enlightened the Argentine Government upon the grave errors of a policy which has no name, and which could have no object compatible with Argentine national policy, nor with its loyalty, honour, or true interests.

But, far from this, the Government of his Excellency Señor General Mitre did not hesitate for a moment to follow that anti-Argentine policy, so offensive to the existence, interests, and honour of the Republic of Paraguay, and did not even take the trouble to look to any other means than those employed for bringing about the ruin of the Republic of the Uruguay.

Neither is it with less scandal to public opinion, and to the discredit of its own administration, that the Government of General Mitre consented to and encouraged the repetition of an immoral farce, tolerating the formation of a new Revolutionary Committee of Paraguayan traitors, in number so small, and so insignificant by their ignorance and social position, that the ridicule of this iniquitous comedy cannot but fall upon the present Argentine Government, which will be responsible for the grave consequences of that disloyal act, proved by the consent given to recruit in Buenos Ayres and on Argentine territory foreigners and natives for the formation of a legion which, united to the army of Brazil, must bring war into Paraguay ; opening, moreover, the columns of the official press for its criminal lucubrations.

Acts so hostile to the internal peace of friendly Governments, and without precedent in the history of civilized nations, place all Governments in the necessity of having recourse to those means which may shelter them from the anarchical attempts of a Government which ignores what is due to the rights of sovereign and independent nations, and which has descended so much from the elevated position inherent in every Government, as to serve as a focus for demagogues and revolutionists who desire to overthrow and destroy the legal order and internal tranquillity of their country.

But the Government of your Excellency did not deem even this hostile and illegal proceeding sufficient to realize the objects of its policy towards Paraguay : calumny

and insults to the Paraguayan nation and Government still go on, and the official organs of the Buenos Ayres press abound in such vile and insulting productions as the most unbridled licentiousness and abuse of the press would never have produced in any country.

There cannot be a greater mockery than the passage which your Excellency offers, as you say, in virtue of existing Treaties; the fluvial Treaty of the Argentine Republic allows Brazil to forward its marine and land forces towards Paraguay, because Paraguay is situated at the end of Argentine fluvial territory, which gives Brazil the advantage of attacking this Republic on the northern frontier from the province of Matto Grosso, and by the rivers on the south, that is to say, on two points. Paraguay finds at the end of the navigation of the Argentine fluvial territory nothing but the ocean and not Brazil, and it can only attack Brazil on one side, that is to say, on the north, by the province of Matto Grosso.

No one is ignorant of this, least of all the Government of your Excellency, who in equity and in the observance of a strict neutrality and reciprocity, either should have granted the request of harmless transit through the province of Corrientes by Paraguay and Brazil, or have denied to the latter the use of its fluvial territory; for, as you say in your note, there is no motive which makes the passage by Argentine territory imperative and indispensable, since the belligerents have an extended frontier whereon they can carry out their hostilities.

What can be a greater mockery than to ask, in the other note of the same date, explanations with respect to the gathering of Paraguayan forces on the left bank of the Paraná—Paraguayan territory—which you consider doubtful, raising questions of frontier; having already been duly informed of the fact by the note of the Undersigned, in which he solicited the harmless passage through the Province of Corrientes?

And what can be a greater mockery than the assurance that every act will be avoided which may impair the friendly relations which your Government strives by the most strenuous means to cultivate and strengthen, as your Excellency concludes the note to which this is a reply; and the insults and calumny which its official Press launches to the world against the Paraguayan nation and Government?

This union of hostile and unjustifiable acts, for which Paraguay and its Government at no time have given the slightest cause—after the many proofs of its most decided efforts to preserve good relations with the Argentine Republic and Government, and after the abnegation with which Paraguay has suffered continued provocations in order that these relations may not be impaired—convince it that the present Argentine Government menaces the most vital interests of Paraguay and of its Government.

His Excellency the President of the Republic has ordered the Undersigned to declare to your Excellency that, with the conviction that the present Argentine Government, as the acts recapitulated in this note justify, seeks to injure the rights, interests, honour, and dignity of the Paraguayan nation and of its Government, his duty compels him to transmit the inclosed legalized copy of a serious resolution of the Chambers, which, after duly considering the facts, declare war against the actual Argentine Government, in order to save the honour, dignity, and rights of the Republic.

War being thus declared, his Excellency the President of the Republic protests solemnly that Paraguay having never given cause of offence to the Argentine Republic, nor to any of its Governments, including the present, throws the entire responsibility upon it for all the unfortunate consequences of a state of things so contrary to the sentiments of consideration and friendly interest for which the Argentine nation has always been indebted to the Republic and Government of Paraguay.

I avail, &c.

(Signed) JOSE BERGES.

Inclosure 2 in No. 31.

Declaration of War by the Paraguayan Congress.

IN view of the decision of the Special Committee named by the Sovereign Congress to report on the present critical condition of the Republic in the war with Brazil, and on the insolent and hostile attitude of the Argentine Cabinet towards Paraguay and its Government, as shown—

1st. By the two notes of February 9th, which favour Brazil under the pretence of neutrality by refusing the permission we solicited to march our forces across the frontiers

of Corrientes, although the Brazilian fleet had previously used the city and province of Corrientes as a depôt for coal, provisions, &c., in open violation of the pretended neutrality.

2nd. By the denial of our right to the territory of Misiones between the Rivers Paraná and Uruguay.

3rd. By the protection now extended a second time by that Government to a revolutionary committee of traitors in the pay of the Brazilian Empire, who enlist foreign mercenaries in the very capital of the Argentine Republic, disgracing the flag of that country and making it subservient to Brazil in the war against Paraguay.

4th. By the open sympathy of the official Argentine Press in favour of Brazil against Paraguay, and the disgraceful and incendiary publications intended to foment rebellion in this country. And as the exercise of our right in the territory of Misiones will afford the Argentine Government the desired pretext of *casus belli* (which is at present wanting) to make an open alliance with Brazil, while we have abundant proof of the solidarity of the Argentine Cabinet with that Empire to destroy the balance of power in La Plata; and it being incompatible with the security of the Republic and the dignity of our Government to tolerate any longer this immoral and offensive proceeding against Paraguay, in accord with the decision of the Special Committee—

The Congress hereby declares:—

1. That it approves the conduct of the National Executive respecting Brazil, in the emergency caused by the Imperial encroachments in the River Plate and the injury inflicted by Brazil on our national honour, and in accordance with the Law of March 1844 the Government is hereby authorized to continue the war.

2. That it declares war to the actual Government of the Argentine Republic, until we receive the proper security and satisfaction for the rights, honour, and dignity of the Paraguayan nation and Government.

3. His Excellency the President of the Republic will make peace with one or other of the belligerents whenever he thinks fit, advising the National Congress as ordained by law.

4. Let this be communicated to the Executive.

Congress Hall, Asuncion, March 18, 1865.

(Signed)

JOSE FALCON, *Vice-President*.

Let this be published.

(Signed) LOPEZ.

March 19, 1865.

No. 32.

Mr. Thornton to Earl Russell.—(Received June 17.)

(Extract.)

Buenos Ayres, May 6, 1865.

THE session of the Legislative Chambers of the Argentine Republic was opened by the President on the 1st instant. I have the honour to inclose translation of his Excellency's Speech on the occasion. The only topic with which it is occupied is the war with Paraguay.

A translation of the President's Message to the Chambers is also inclosed.

Inclosure 1 in No. 32.

Speech of the President of the Argentine Republic on the Opening of the National Congress, Buenos Ayres, May 1, 1865.

(Translation.)

Fellow-citizens of the Senate and Chamber of Deputies!

IN you I salute the sovereign power of the Argentine people, cowardly wounded at this moment by the treacherous hand of a foreign Power.

Fulfilling the great duties which the country and the constitution impose on me, I have already prepared for the defence and security of this territory, and have answered this bloody insult. Replying to war with war,—now it is only left for you, the legitimate representatives of the popular will, to declare it to the world in the name of the Argentine people, and give orders that your valiant legions should unfold their unconquered flag, and leave the frontier for the territory of the aggressor, to seek reparation and justice,

not in the name of hate or of sordid interests, but in the name of the eternal principles and eternal rights of outraged humanity.

Pleasing would it have been to me, if I could have inaugurated your tasks in the midst of joyful peace, and that increasing progress in which we were advancing; but at least I have the satisfaction of being able to tell you on this occasion, that I present myself to you surrounded by the Argentine nation, united in one sole feeling, determined to fight with the manly spirit of our fathers, to persevere on the morrow in the pacific works which exalt the nations of the earth.

I feel convinced that Divine Providence will to-day, as always, protect our flag and cause; and I believe that She will yet permit your legislative duties to be closed with the glorious and fruitful auspices of victory and peace: meanwhile I fulfil the great duty which the law requires of me, and declare the ordinary sessions of the Congress of the Argentine nation to be now opened.

Inclosure 2 in No. 32.

Extract from Message of the President of the Argentine Republic to Congress.

(Translation.)

Fellow-citizens of the Senate and Chamber of Deputies,

IN fulfilment of the duty imposed on me by the Constitution, I have to inform you of the state of the country on the opening of the National Congress.

The peace enjoyed by the Republic at the close of your last session has yielded due fruit: the progress and prosperity for some time observable were beginning to assume vast proportions, and everything indicated present and future happiness, when the treachery of a foreign Power, in violation of the faith of nations and contempt for the honour of the Argentine nation, suddenly arrests us in the midst of our career, converting our great development of trade and industry into the bustle of war, by provoking us to a combat which we must accept, in order to avenge such an outrage, and exact by force of arms the proper satisfaction.

Foreign Affairs.

The Argentine Republic is at peace with all friendly nations, and maintains with them relations of amity and commerce. A single exception of recent occurrence has broken off our relations with Paraguay, and the Government is glad to declare that no motive on its part has occasioned such rupture. The consequences must lie wholly on the ill-advised Ruler who has assailed the most sacred prerogative of a chivalrous people—its honour and dignity.

The civil war in the Oriental Republic, with the grave complications ensuing, had placed this country in a critical condition. The Government, no less interested for its own than its neighbour's tranquillity, strained every nerve for this end; knowing that a cessation of war in the sister State would be as advantageous to Orientals as convenient to the Argentine people, it zealously seized every opportunity to bring about such a blessing, and was always seconded by the Diplomatic Body resident in the River, especially the British and Brazilian Ministers.

You are already aware of the happy issue of the Monte Videan question. The change of Government at once renewed our friendly relations with that country, and the closest union and amity now exists between both peoples and Governments.

The Emperor of Brazil accredited near the Argentine Republic, in the high quality of Envoy Extraordinary and Minister Plenipotentiary on special mission, the Counsellor José Antonio Saraiva, who had formerly held the same post at Monte Video. His residence in Buenos Ayres was productive of an *entente cordiale* between the two Governments, and by explaining the just causes which urged the Empire to interfere directly in the Oriental quarrel, he demonstrated the disinterested views of such a policy, and profound respect for the independence of Uruguay, jointly guaranteed by Brazil and the Argentine Confederation.

Subsequently Senhor Saraiva was succeeded by the enlightened Counsellor José Maria de Silva Paranhos, whose loyalty of proceeding and sincere friendship for the Argentine Government gained him the highest esteem and popularity. His Imperial Majesty thought fit to remove him in turn and appoint Counsellor Octaviano Almeida de Roza, who duly fulfils his office and helps to draw still closer the ties of friendship and confidence between the peoples and their respective Governments.

The unjust war forced on us by the Ruler of Paraguay when he was already in open

hostility with Brazil has naturally led us to a further understanding and arrangements for carrying out the campaign. This will form matter of a special Message to your honourable Chambers, but it is right here to testify that the learned Brazilian diplomatist has behaved in this delicate business with laudable frankness and regard for the nations outraged by the Paraguayan Government.

At the instigation of the Monte Videan Government, which laboured by every means to compromise the Argentine Administration, the Cabinet of Asuncion demanded of Government explanations respecting its acts and participation in the civil war of Banda Oriental. The Government in a friendly manner satisfied such inquiry as far as convenient, although unfortunately such explanations were not well received.

After the commencement of hostilities against Brazil by the seizure of a steamer in the port of Asuncion, Paraguay demanded leave to march across the Province of Corrientes in order to assail the Brazilian territory. The Government, as bound by neutrality, refused such demand.

Under these circumstances, and while the Argentine Government confided in its neutrality being respected by both belligerents, the country has been surprised by an outrage on the part of the Paraguayan Dictator which can only find parallel among barbarous nations.

Without previous declaration of war, and in violation of Treaties expressly concluded between these countries, without any provocation, nay, without even alleging a motive, he sent down a flotilla of steamers laden with troops, and in a most treacherous manner, after exchanging salutes with the Argentine war-steamer "25 de Mayo," which was at anchor and her fires out, discharged a heavy volley into her, then took her by boarding, as also another small war-steamer then under repair, and carried off both to Asuncion, but not before firing several cannon shots at the defenceless city of Corrientes.

After this outrage, the Paraguayan forces invaded the city of Corrientes, which, taken unawares in the time of peace, was unprotected and incapable of resisting or driving back so barbarous an invasion.

The Governor, Don Manuel Lagraña, along with the minor authorities and several peaceable citizens, removed from the capital to a convenient point, as the Governor mentions, and rapidly assembled the National Guard to hasten in defence of the country, soliciting orders meantime from the National Executive.

The cowardly aggression of the Paraguayan Ruler has caused an intense indignation in every part of the Argentine Republic where it is yet known. All have responded to the summons in the name of the law and outraged dignity of the nation, Entre Rios being one of the first provinces to take up arms along with Buenos Ayres and Corrientes, whose Governments, aided by the patriotism of all classes of citizens, have actively and efficaciously co-operated in order to repel with energy and success the war to which we have been provoked.

* * * * *

War and Marine.

The unjustifiable war provoked against the Republic by the Paraguayan Government has obliged the National Government to take such warlike steps as the situation requires, by concentrating the troops of the line, increasing the battalions of which they are composed, ordaining the immediate formation of several new corps, and calling out the National Guards of the Republic.

Entre Rios being the province most immediate to that so treacherously invaded by Paraguayan forces, the Government ordered the arming of a strong body of Entre-Rian National Guard Cavalry under the organization and command-in-chief of Captain-General Justo José de Urquiza. The Government feels it an act of justice to recommend to the consideration of Congress, and of the nation, the activity wherewith this Argentine General assembled even a larger force than he had been called on for, and who is now ready with enthusiastic patriotism to march to battle and victory.

The province of Buenos Ayres has been faithful to its glorious antecedents, and, with generous self-devotion in offering its sons when the honour and dignity of the country are at stake, came forward at the first call of the National Government, placing itself in readiness to enter the fight, while the Government of the province distinguishes itself by the entire co-operation it has lent and continues to lend to the National Executive.

Santa Fé, led on by its Government, also responds with decided patriotism to the orders it has received and sends its battalions to strengthen the ranks of the army of operations.

Respecting the other provinces, the Government feels certain that they will give, on the present occasion, noble examples of patriotism and sacrifice as soon as they learn the

insolent attempt of the Paraguayan Government, and the orders communicated to them in the emergency.

To equip an army on the respectable footing judged necessary, the national magazine was nowise adequate, its elements being only sufficient for the necessities of the forces in time of peace. Nevertheless a laudable activity has been displayed in setting about the preparations required by the occasion, and the necessary armament has been got together not only for the forces actually in the field, but for whatever future requirements may present themselves, and within a few days there will be also ample provision for any necessities that may arise in the course of the campaign.

The same is to be said of the Commissariat-General of War and Marine, which, with the aid of an Inspecting Committee composed of honourable and patriotic citizens, meets all the exigencies of that department.

As several of the measures adopted by the Government need the sanction of Congress, they will be submitted to you at the earliest opportunity.

The navy of the Republic having lost two of its vessels, which were treacherously seized by the Paraguayan Government, will still suffice to meet the present requirements of the service, owing to the circumstance of Paraguay being also at war with the Empire of Brazil, whose fleet holds the dominion of the rivers, thus saving this country the trouble of purchasing other war vessels.

While the Government is obliged to devote its chief attention to the war which occupies its entire care, having to provide for everything in prosecution of an unexpected struggle wholly unprepared for, and which could not even be guarded against without great prejudice to the other interests of the country, the Government has now fulfilled the task prescribed by the Constitution, by laying before your Honourable Chambers in brief terms the actual condition of the Republic, which was so flattering and prosperous until the moment when the ill-advised ruler of Paraguay stops us in our march and with haughty insolence challenges us to a war which we shall answer with war.

The Government and country having on their part done nothing to bring about such a state of things, accept it with a calm resolution, and, relying on the justice of their cause and their good right, confidently hope that the Almighty will give victory to those who battle for liberty and justice.

Summoned as you now are to guard the destinies of the Republic, the Government congratulates you on being here assembled at the very time it has most need of your counsel and co-operation.

(Signed) BARTOLOME MITRE.

Buenos Ayres, May 1, 1865.

No. 33.

Mr. Thornton to Earl Russell.—(Received June 17.)

My Lord,

Buenos Ayres, May 8, 1865.

A DINNER was given on the 2nd instant by Senhor Octaviano, Brazilian Minister on a special mission to this Republic, to their Excellencies the Presidents of this and the neighbouring Republic of the Uruguay. The Diplomatic Body were invited. As I thought it probable that the health of the Sovereigns and Heads of States whom we represented would be proposed, and, as Doyen of the Body, I should have to answer, I concerted previously with my colleagues the tone of what I should say upon the occasion; for it seemed to them, as to me, that considering the war into which the Argentine Republic has been forced by Paraguay, it would be ungracious merely to return thanks.

The health was proposed by Senhor Octaviano, and I have the honour to inclose translation of what I said in returning thanks. My reason for troubling your Lordship with this is, that what I said has been misrepresented in some of the newspapers published here, which have even stated that I proposed "the success of the war against Paraguay."

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure in No. 33.

Speech of Mr. Thornton.

(Translation.)

As Doyen of the Diplomatic Body in this Republic, I have much pleasure, in the name of my honourable colleagues, in offering to the distinguished persons here present our warmest thanks for the honour they have done to the nations we represent by the part proposed by his Excellency the Minister of Brazil. I believe I faithfully interpret the sentiments of my colleagues in expressing how deeply we deplore the necessity in which the Republic has found herself of accepting the war which has been waged against her, and which tends to interrupt a state of prosperity such as she has hardly known since her independence. We know that the Treaty of 1856 between the Argentine Republic and that of Paraguay has expired. That Treaty had laid down a wise and civilizing principle. It had been stipulated that, in case of war, hostilities were not to commence between the two countries without six months' notice. It would have been much better if Paraguay, notwithstanding the expiration of the Treaty, had allowed this principle to survive. The term would have given time for reflection, for explanations, and perhaps for reconciliation; for we are convinced that the Argentine Government desired to preserve peace and to observe the strictest neutrality in the war which had been declared by Paraguay against the Empire of Brazil. Now, however, that the war is unhappily a fact, we earnestly hope that it may last as short a time as possible, and in accordance with this wish I propose that we drink to "the speedy and happy return of his Excellency the President of the Republic, and of the distinguished Generals, officers, and men, his companions in arms."

No. 34.

Mr. Thornton to Earl Russell.—(Received June 17.)

My Lord,

Buenos Ayres, May 10, 1865.

I HAVE the honour to transmit herewith a translation of a Special Message which was sent by the Executive Power on the 5th instant to the Legislative Chambers, detailing the hostile acts committed by the orders of the Paraguayan Government, and soliciting their sanction to a declaration of war. The proposal thus submitted to Congress was immediately and unanimously passed by that body.

On the 9th instant a declaration, a translation of which is also inclosed, was issued by the Government, to the effect that in consequence of the hostile acts of the Paraguayan Government, the Argentine Republic is at war with that Government, and will not lay down its arms until it shall have overthrown it, and obtained due reparation and the necessary guarantees for ensuring peace. The declaration adds that the independence and sovereignty of the Republic of Paraguay will be respected.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure 1 in No. 34.

Special Message to the Legislative Chambers of the Argentine Republic.

(Translation.)

Buenos Ayres, May 4, 1865.

To the Hon. Congress of the Nation,

THE Republic was in profound peace with the Paraguayan Government when our war-steamers "25 de Mayo" and "Gualeguay" were treacherously assailed in the port of Corrientes without any previous intimation, the enemy firing on them, killing a considerable number of the crews, and carrying off the rest (with the vessels) as prisoners, after also firing some cannon-shots at the defenceless city of Corrientes.

Subsequently that province was invaded by Paraguayan troops, its capital and other parts of the territory occupied, causing great damage, and a new Government set up in subversion of national authority, inciting the inhabitants to rebellion and civil war.

The National Government, on being officially informed of the Paraguayan outrage, which was in direct violation of Treaties and of the principles of international law on which we relied, took the necessary steps to repel war by war, to defend its territory, and avenge the foul injury inflicted on our national honour.

After so much perfidy on the part of Paraguay, the Government received on the 3rd instant a note, dated March 29th, annexed as No. 1, advising it of the declaration of war, for the absurd reasons therein alleged.

The Paraguayan Government was entirely at peace with the Republic, and solicited permission to cross the territory of Corrientes in its campaign of operations against the Brazilian Government, as appears from Annex No. 2.

So extraordinary and unjustifiable a request was refused by the National Government on the plea of neutrality, and for the sake of the primary interests of the Republic, as you will find in Annex No. 2.

As the Paraguayans at the time of soliciting permission to use the Argentine territory in its operations against Brazil, were gathering large forces on our frontier, we demanded such explanations as duty and right dictated, which are expressed in Annex No. 4.

The Government waited a reply, and confiding in the faith of Treaties which stipulated that, if unfortunately war should break out between the Argentine Republic and Paraguay, hostilities should not commence on either side until the expiration of six months' notice mutually exchanged, according to the practice of civilized nations; confiding also in its solemn engagements of neutrality in the war between Paraguay and Brazil, as expressly stated to the Brazilian Envoy in answer to his notification of the war with Paraguay (as contained in Annexes Nos. 5 and 6), it abstained from making any defensive preparations.

The reply was a treacherous attack on our steamers, capturing them, killing a part of the crew, taking the rest prisoners, firing on Corrientes, occupying that city, inciting the people to rebellion and civil war, and committing unjustifiable outrages on the honour and dignity of the nation.

In consequence, the Government in obedience to the Constitution and protection of our territory, issued the Proclamation (Annex No. 7), to meet the war so provoked, pending the timely resolution of Congress.

The Government trusts that Congress will, on its part, take action on the outrages and dangers to the nation, and therefore solicits of you the necessary authorization to declare war against Paraguay.

(Signed)

BARTOLOME MITRE.
RUFINO DE ELIZALDE.
GUILLERMO RAUSON.
LUCAS GONZALEZ.
EDUARDO COSTA.
JUAN A. GELLY Y OBES.

Project of Law.

Article I. The National Executive is authorized to declare war against the Government of Paraguay.

Art. 2. Let it be communicated to the Executive.

Inclosure 2 in No. 34.

Declaration of War by the Argentine Republic.

(Translation.)

Buenos Ayres, May 9, 1864.

Considering—

THAT the Government of Paraguay, in a state of perfect peace with the Republic, has treacherously attacked it;

That it has taken in the port of Corrientes two national steamers of war, without previously notifying them, killing a considerable part of their crews, and carrying away the remainder prisoners;

That it has fired cannon-shot upon the defenceless city of Corrientes;

That it has invaded with an army the Province of Corrientes, occupying its capital and a part of its territory;

That it has excited rebellion against the constituted authorities, and the inhabitants of the Republic to civil war;

That it is committing the most unjustifiable acts against the persons and property existing on the territory which it is occupying;

That all this has been done in violation of public faith, the Treaties which stipulate that in case of war between the Argentine Republic and the Republic of Paraguay hostilities could not be commenced until the expiration of six months from the notification of declaration of war, and contrary to the practice of civilized nations;

That later, and when these aggressive acts had already been committed, the declaration of war made by that of Paraguay against the nation came to the knowledge of the Government;

That for such weighty reasons the National Congress has authorized the Executive Power to declare war against the Government of Paraguay.

The President of the Republic declares—

1. That in view of the treacherous acts, called and proven as criminal and hostile, the Argentine Republic is at war with the Government of Paraguay.

2. That the Argentine Republic will not lay down its arms until it has overthrown the Government of Paraguay, and obtains due reparation and indemnity, and the necessary guarantee for the insurance of peace.

3. That the Argentine Republic, in the war to which it has been provoked, will respect the independence and sovereignty of the Republic of Paraguay.

4. Let it be communicated to whom it may correspond, published, and inserted in the National Register.

(Signed)

MITRE.

RUFINO DE ELIZALDE.

GUILLERMO RAUSON.

LUCAS GONZALES.

EDUARDO COSTA.

JUAN ANDRES GELLY Y OBES.

No. 35.

Mr. Thornton to Earl Russell.—(Received June 17.)

(Extract.)

Buenos Ayres, May 11, 1865.

THE Treaty of Offensive and Defensive Alliance between this country, Brazil, and the Republic of the Uruguay against the Paraguayan Government was concluded and signed on the 1st instant.

It was submitted to Congress in secret session two days ago, and is at this moment being finally discussed.

No. 36.

Mr. Thornton to Earl Russell.—(Received June 17.)

My Lord,

Buenos Ayres, May 11, 1865.

LITTLE news that can be depended upon has reached this town from Corrientes as to the movements of the Paraguayans, or the amount of force they have brought into that Province. As far as I can judge, however, from the most contradictory reports, I should suppose that there may be about 8,000 Paraguayans in and about the town of Corrientes, and about 12,000 more in the province on the left bank of the Paraná, above the town. The advanced guard, I am told, have come down as far as Empedrado. It would seem that they intend to establish themselves in force in the Province of Corrientes, and are, I am told, throwing up earthworks at a point about three miles below the town.

In the meantime the Argentine Government are exerting themselves to prepare their forces as speedily as possible. Corrientes has about 5,000 men assembled under General Cáceres; Entre Rios 8,000 under General Urquiza; 2,000 have left Buenos Ayres during the last few days to proceed up the Paraná. The Brazilian Commander-in-chief has despatched 5,000 men up the Uruguay and 3,000 more up the Paraná.

The movement of the Brazilian naval forces is extremely slow, and Señor Elizalde told me two days ago that he understood that Commodore Gomensoro, commanding the first division of eight gun-boats, is to be relieved of his command and tried by court-martial, on account of the extreme tardiness of his movements. This division passed the Island of Martin Garcia on its way up the Paraná on the 12th ultimo, and we have as yet no news of its being near the town of Corrientes.

I have, &c.

(Signed)

EDWD. THORNTON.

No. 37.

*Earl Russell to Mr. Lettsom.**

Sir,

Foreign Office, June 23, 1865.

WITH reference to your despatch of the 18th of April last, I transmit herewith, for your information, copies of a notification of intended blockade of the ports and Coast of Paraguay which has been inserted in the "London Gazette" of the 9th instant.

I am, &c.

(Signed) RUSSELL.

Inclosure in No. 37.

Extract from the "London Gazette" of June 9, 1865.

RIVER PLATE.

NOTIFICATION OF INTENDED BLOCKADE OF THE PORTS AND COAST OF PARAGUAY.

Foreign Office, June 7, 1865.

IT is hereby notified that Earl Russell, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received intelligence from Her Majesty's Minister at Buenos Ayres, and Her Majesty's Chargé d'Affaires at Monte Video, to the purport and effect that the ports and coast of the Republic of Paraguay were about to be blockaded by a Brazilian naval force, which on the 24th of April last was on its way up the Paraná; and, further, that the ports in the Province of Matto Grosso are closed to all vessels.

No. 38.

Earl Russell to Mr. Thornton.

Sir;

Foreign Office, June 24, 1865.

I HAVE received your despatch of the 8th ultimo, inclosing a copy of the speech which, as senior Member of the Diplomatic Body at Buenos Ayres, you made at a dinner given by the Brazilian Minister, and I have to inform you in reply that I approve the language made use of by you on that occasion.

I am, &c.

(Signed) RUSSELL.

* A similar despatch was addressed to Mr. Thornton.

Correspondence respecting Hostilities in
the River Plate, &c.

—

*Presented to both Houses of Parliament by
Command of Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

ORDER IN COUNCIL

FOR THE

EXERCISE OF JURISDICTION

IN

CHINA AND JAPAN.

9th March 1865.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

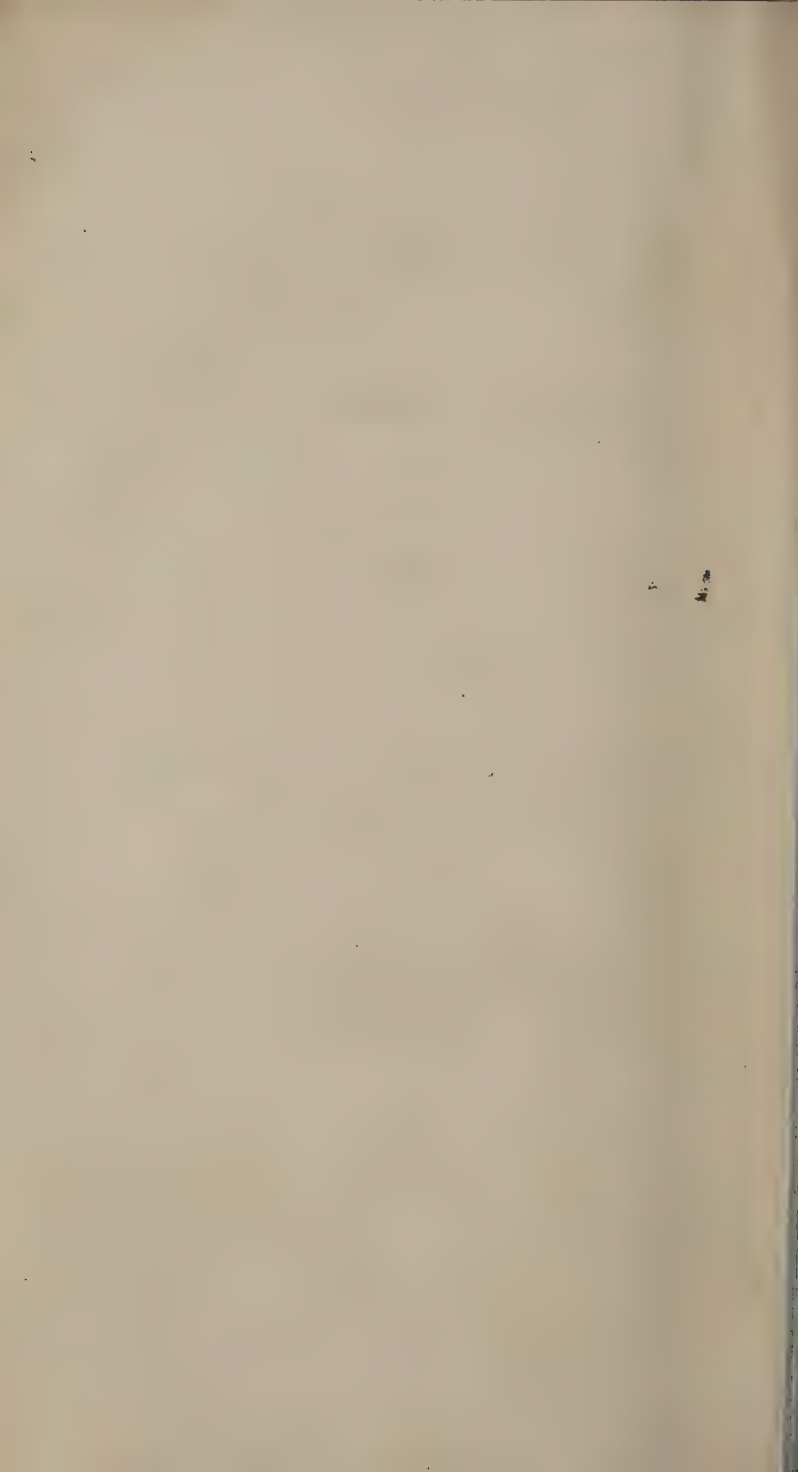
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[Price 3d.]

1865.



er of Her Majesty the Queen in Council for
e Government of Her Majesty's Subjects in
ina and Japan.

At the Court at Windsor,
the 9th day of March 1865.

PRESENT :

The Queen's Most Excellent Majesty in Council.

HEREAS an Act of Parliament was passed in the Session of Preamble.
sixth and seventh years of Her Majesty's reign (chapter 6 & 7 Vict. c. 80.
y) "for the better government of Her Majesty's subjects
orting to China":

ld whereas by that Act it was enacted (among other things)
it should be lawful for Her Majesty, by any Order or
rs made with the advice of Her Privy Council, to ordain
e government of Her Majesty's subjects being within the
nions of the Emperor of China, or being within any ship or
l at a distance of not more than one hundred miles from the
of China, any law or ordinance which to Her Majesty in
ncil might seem meet, as fully and effectually as any such
or ordinance could be made by Her Majesty in Council for
government of Her Majesty's subjects being within Her
esty's Island of Hong Kong:

nd whereas another Act of Parliament was passed in the
Session (chapter ninety-four) "to remove doubts as to 6 & 7 Vict. c. 94.
e exercise of power and jurisdiction by Her Majesty within
vers countries and places out of Her Majesty's dominions
d to render the same more effectual" (to which Act the ex-
sion The Foreign Jurisdiction Act when hereafter used in
Order refers):

And whereas by The Foreign Jurisdiction Act it enacted (among other things) that it was and should be lawful for Her Majesty to hold exercise and enjoy any power or jurisdiction which Her Majesty then had or might at any time thereafter have within any country or place out of Her Majesty's dominions, in the same and as ample a manner as Her Majesty had acquired such power or jurisdiction by cession or conquest of territory :

And whereas Her Majesty has had and now has power and jurisdiction in the dominions of the Emperor of China and of the dominions of the Tycoon of Japan :

And whereas Her Majesty was pleased from time to time by and with the advice of Her Privy Council, by Orders in Council of the several dates in the Schedule to this Act specified, to ordain laws and ordinances for the better government of Her Majesty's subjects being within the dominions of the Emperor of China, or being within certain ships or vessels at a distance of not more than one hundred miles from the coast of China, and to make provision for the exercise of Her Majesty's power and jurisdiction aforesaid in the dominions of the Emperor of China and of the Tycoon of Japan respectively :

And whereas it has seemed to Her Majesty, by and with the advice of Her Privy Council, to be expedient at the present time to revise the provisions of the said Orders, and to make further and other laws and ordinances for the better government of Her Majesty's subjects being within the dominions of the Emperor of China, or being within such ships or vessels aforesaid, and to make further and other provision for the exercise of Her Majesty's power and jurisdiction aforesaid, particularly for the more regular and efficient administration of justice among Her Majesty's subjects resident in or resorting to the dominions of the Emperor of China or of the Tycoon of Japan :

And whereas, under the authority of provisions in this Act contained in the first-recited Act contained, ordinances for the better order and good government of Her Majesty's subjects

the dominions of the Emperor of China, or being within ships or vessels at a distance of not more than one hundred from the coast of China, have been from time to time made the Superintendent of the Trade of Her Majesty's subjects in (such Superintendent being also the Governor of Hong), with the advice of the Legislative Council of Hong which ordinances are known as Consular Ordinances :

and whereas such of those Consular Ordinances as are defined in the Schedule to this Order are now in force, wholly or in part, but they are liable to repeal by Order of Her Majesty in Council, and it is expedient that they be repealed, such of their provisions as are not intended to be abrogated being consolidated with this Order :

and, therefore, Her Majesty, by virtue of the powers in this Order by the first-recited Act and The Foreign Jurisdiction Act, either of them, or otherwise, in Her Majesty is pleased, with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

I.—PRELIMINARY.

This Order may be cited as The China and Japan Order Short Title. Council, 1865.

In this Order—

The term “China” means the dominions of the Emperor of China: Interpretation.

The term “Japan” means the dominions of the Tycoon of Japan:

The term “Minister” means the superior diplomatic representative of Her Majesty for the time being, whether Ambassador, Envoy, Minister Plenipotentiary, or Chargé d’Affaires :

The term “Chief Superintendent of Trade” means the Superintendent of the trade of Her Majesty's subjects in China for the time being, or any person for the time being authorized to act as such :

The term “Consular Officer” includes every officer in Her Majesty's Consular Service, whether Consul-General, Consul, Vice-Consul, or Consular Agent, or person authorized to act in any such capacity in China or in Japan :

The term “British vessel” includes every vessel being a British ship within the meaning of The Merchant

Shipping Act, 1854, or any other Act of Parliament for the time being in force for the regulation of merchant shipping,—and any vessel owned wholly in part by any person entitled to be the owner of a British ship in the sense aforesaid,—and any vessel provided with sailing-letters from the Government Officer administering the Government of Hong Kong or from the Chief Superintendent of Trade :

The term “Treaty” includes Convention and any Agreement, Regulations, Rules, Articles, Tariff, or any instrument annexed to a Treaty or agreed on in pursuance of any stipulation thereof :

The term “month” means calendar month :

Words importing the plural or the singular may be construed as referring to one person or thing, or more than one person or thing, and words importing the masculine as referring to females (as the case may require).

British subjects.

3. The provisions of this Order relating to British subjects apply to all subjects of Her Majesty, whether by birth or by naturalization.

Foreigners.

The provisions of this Order relating to foreigners apply to subjects of the Emperor of China and of the Tycoon of Japan respectively and subjects or citizens of any State other than China or Japan (not being enemies of Her Majesty).

II.—GENERAL PROVISIONS RESPECTING HER MAJESTY'S JURISDICTION.

Her Majesty's jurisdiction to be exercised according to this Order.

4. All Her Majesty's jurisdiction exercisable in China and Japan for the judicial hearing and determination of matters in difference between British subjects, or between foreigners and British subjects,—or for the administration or control of the property or persons of British subjects,—or for the repression or punishment of crimes or offences committed by British subjects,—or for the maintenance of order among British subjects,—shall be exercised under and according to the provisions of this Order, and not otherwise.

Law of England to be administered

5. Subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised upon the principles of and in conformity with the Common Law, the Rules of Equity, the Statute Law and other Law for the time being in force in and for England and with the powers vested in and according to the course of procedure and practice observed by and before Courts of Justice.

Justices of the Peace in England, according to their respective jurisdictions and authorities.

Except as to offences made or declared such by this Order, any Regulation or Rule made under it,—
 act other than an act that would by a Court or Justice of criminal jurisdiction in England be deemed a crime or making the person doing such act liable to punishment in England shall not, in the exercise of criminal jurisdiction under this Order, be deemed a crime or offence making the person doing such act liable to punishment.

What to be deemed criminal acts.

II.—CONSTITUTION OF HER MAJESTY'S COURTS.

I.—THE SUPREME COURT AT SHANGHAI.

There shall be a Court styled Her Britannic Majesty's Supreme Court for China and Japan.
 The Supreme Court shall have a seal bearing its style and device as one of Her Majesty's Principal Secretaries of State from time to time directs.

Style and seal of Supreme Court.

The Supreme Court shall hold its ordinary sittings at Shanghai, or on emergency, at any other place within the limits of the Consulate of Shanghai; but may at any time transfer its ordinary sittings to any such place in China as one of Her Majesty's Principal Secretaries of State or Her Majesty's Consul in China approves.

Place of sitting.

There shall be one Judge of the Supreme Court.
 The Judge shall be appointed by Her Majesty, by warrant under the Royal sign manual.
 The Judge shall be a subject of Her Majesty (by birth or naturalization) who at the time of his appointment is a member of the House of Commons of England, Scotland, or Ireland, of not less than seven years standing, or has filled the office of Assistant Judge or Secretary in the Supreme Court, or the office of Judge or Vice-Consul or Law Secretary in Her Majesty's Consular Service.

Judge.
Appointment.
Qualification.

The Judge may, from time to time, in case of his absence or prolonged absence from the district of the Consulate of Shanghai, or in the discharge of his duty or with permission of one of Her Majesty's Principal Secretaries of State, or in case of illness, appoint, by writing under his hand and the seal of the Supreme Court, a fit person to be his deputy for the time therein mentioned; but every such appointment shall be revocable, at

Deputy of Judge.

pleasure, by the Judge, by writing under his hand and the seal of the Supreme Court.

The person so appointed shall, during the continuance of his appointment, have all the like power and authority as the Judge.

Acting Judge.

11. During a vacancy in the office of Judge, or on emergency, a fit person, approved by one of Her Majesty's Principal Secretaries of State, or (in the absence of notice to Her Majesty's Minister in China of any such approval) by Her Majesty's Minister in China, may temporarily be and act as Acting Judge, with all the power and authority of the Judge.

Assistant Judge, Law Secretary, Officers, and Clerks.

12. There shall be attached to the Supreme Court —

(1.) An Assistant Judge.

(2.) A Law Secretary.

(3.) So many officers and clerks as one of Her Majesty's Principal Secretaries of State from time to time thinks fit.

Appointment of Assistant Judge.

13. The Assistant Judge shall be appointed by Her Majesty by warrant under Her Royal sign manual.

Duties of Assistant Judge in civil cases ;

14. The Assistant Judge shall hear and determine such matters and questions arising in suits and proceedings of a nature originally instituted in the Supreme Court as are from time to time specially referred to him by the Judge ; but in every such case any party to the suit or proceeding shall be entitled, as of course, to a re-hearing before the Judge.

in criminal cases.

15. The Assistant Judge shall hear and determine in any and every way such criminal charges originally brought before the Supreme Court as may be lawfully so heard and determined, and as are from time to time referred to him by the Judge.

Acting Assistant Judge.

16. In case of the absence or illness of the Assistant Judge, or during a vacancy in the office of Assistant Judge, or during the temporary employment of the Assistant Judge in any capacity, or on emergency, the Judge may, by writing under his hand and the seal of the Supreme Court, appoint the Law Secretary, or any fit person approved by one of Her Majesty's Principal Secretaries of State, or by Her Majesty's Minister in China, to act as Assistant Judge for the time therein mentioned ; but every such appointment shall be revocable at the pleasure, by the Judge, by writing under his hand and the seal of the Supreme Court.

The Law Secretary, or other person so appointed, shall, during the continuance of his appointment, have all the power and authority of the Assistant Judge.

The Law Secretary shall be appointed by Her Majesty, Appointment of Law Secretary.
 warrant under Her Royal sign manual.

The Law Secretary shall be the Registrar of the Court. Law Secretary to be Registrar.

The Law Secretary shall hear and determine such matters and questions arising in suits and proceedings of a civil Duties of Law Secretary in civil cases ;
 originally instituted in the Supreme Court as the Judge from time to time for the despatch of urgent business thinks fit to refer specially to him ; but in every such case any person to the suit or proceeding shall be entitled, as of course, to appear before the Judge.

The Law Secretary shall discharge such duties in connection with the conduct of criminal prosecutions as the Judge in criminal prosecutions ;
 from time to time directs.

The Law Secretary shall hear and determine in a summary way such criminal charges originally brought before the in hearing criminal cases.
 same Court as may be lawfully so heard and determined, and the Judge from time to time for the despatch of urgent business thinks fit to refer specially to him.

In case of the absence or illness of the Law Secretary, Acting Law Secretary.
 during a vacancy in the office of Law Secretary, or during the temporary employment of the Law Secretary in any other capacity, or on emergency, the Judge may, by writing under his hand and the seal of the Supreme Court, appoint any fit person approved by one of Her Majesty's Principal Secretaries of State, or by Her Majesty's Minister in China, to act as Law Secretary for the time therein mentioned ; but every such appointment shall be revocable, at pleasure, by the Judge, by writing under his hand and the seal of the Supreme Court. The person so appointed shall, during the continuance of his appointment, have all the power and authority of the Law Secretary.

The Judge, Assistant Judge, and Law Secretary shall Tenure of office of Judge, Assistant Judge, and Law Secretary.
 hold office during the pleasure of Her Majesty, but any warrant of appointment to the office of Judge, Assistant Judge, or Law Secretary shall not be vacated by reason only of a demise of the person.

At any time Her Majesty thinks fit by warrant under Her Royal sign manual to revoke the warrant appointing any person to be Judge, Assistant Judge, or Law Secretary,—or if there is a Judge, Assistant Judge, or Law Secretary in office, she thinks fit by warrant under Her Royal sign manual to appoint another person to be Judge, Assistant Judge, or Law Secretary (as the case may be),—then and in every such case, the warrant of revocation or of new appointment is

notified by Her Majesty's Minister in China to the person holding office, all powers and authorities vested in that person shall continue and be deemed to have continued in as full force—and he shall continue and be deemed to have continued entitled to all the privileges and emoluments of the office fully,—and all things done by him shall be and be deemed to have been as valid in law,—as if such warrant of revocation of his appointment had not been made.

Consular
officers tem-
porarily at-
tached.

24. One of Her Majesty's Principal Secretaries of State and Her Majesty's Ministers in China and Japan respectively with the approval of the Judge of the Supreme Court in each instance first obtained, may from time to time temporarily attach to the Supreme Court any persons holding appointment as Consuls or Vice-Consuls.

Every person so attached shall discharge such duties in connexion with the Court as the Judge from time to time, with the approval of one of Her Majesty's Principal Secretaries of State directs, and shall have the like power and authority as an Assistant Judge or Law Secretary has, according as in each case the nature of the duties directed to be discharged by the person so attached may require.

II.—THE PROVINCIAL COURTS.

Provincial
Courts to be
held by Con-
suls or Vice-
Consuls (com-
missioned); or
by Acting
Consuls or
Vice-Consuls.

25. Each of Her Majesty's Consuls-General, Consuls, or Vice-Consuls (holding a commission as such from Her Majesty resident in China or in Japan (with the exception of Her Majesty's Consul at Shanghai, and with such other exceptions as one of Her Majesty's Principal Secretaries of State at any time thinks fit to make),—or any person acting temporarily with the approval of one of Her Majesty's Principal Secretaries of State, or of Her Majesty's Minister in China or in Japan, and for a Consul-General, Consul, or Vice-Consul, so commissioned as aforesaid,—shall, for and in his own Consular district hold and form a Court styled Her Britannic Majesty's Court [Canton, or as the case may be],—hereafter in this Order called a Provincial Court.

Seal.

Each Provincial Court shall have a seal bearing its style and such device as one of Her Majesty's Principal Secretaries of State from time to time directs.

IV.—JURIES. ASSESSORS.

Qualification of
jurors.

26. Every male British subject resident in China or in Japan,—being of the age of 21 years or upwards,—being able to write and read English,—having or earning a gross income at the rate of not less than 250 dollars a year,—not having been attainted

reason or felony, or convicted of any crime that is infamous so he has obtained a free pardon),—and not being under any disability,—shall be qualified to serve on a jury.

. All persons so qualified shall be liable so to serve, except Exemptions. following :—

Persons in Her Majesty's Diplomatic, Consular, or other Civil service in actual employment ;

Officers, clerks, keepers of prisons, messengers, and other persons attached to or in the service of any of Her Majesty's Courts ;

Officers and others on full pay in Her Majesty's Navy or Army, or in actual employment in the service of any Department connected therewith ;

Persons holding appointments in the Civil service, and Commissioned Officers in the Naval or Military service, of the Emperor of China or of the Tycoon of Japan ;

Burgymen and ministers in the actual discharge of professional duties ;

Advocates and attorneys in actual practice ;

Physicians, surgeons, and apothecaries in actual practice ;

Except persons disabled by mental or bodily infirmity.

. On or before the 14th day of September in the year Making of
and on or before the 14th day of January in every sub-jury list.
next year, each Court shall make out a list of the persons so
qualified and liable, resident within its district.

The list shall, on or before the 21st day of the same respective month, be affixed in some conspicuous place in the Court, and shall be there exhibited until the end of that month, with a notice annexed that on a day specified, not being sooner than the 1st or later than the 14th day of the then next month, the Court will hold a special sitting for the revision of the list.

The Court shall hold such special sitting accordingly, and at such sitting, or at some adjournment thereof (of which public notice shall be given), shall revise the list by striking out the name of any person appearing to be not qualified or not liable to serve, and by inserting the name of any person omitted and appearing to be so qualified and liable, either on the application of the person omitted, or on such notice to him as the Court shall think fit.

The list shall be finally revised and settled not later than the 1st day of October in the year 1865, and not later than the 1st day of February in every subsequent year, and when so settled shall be affixed in some conspicuous place in the Court, and shall be there exhibited during not less than two months.

Each list, as settled, shall be brought into use in the year 1865, on the 1st day of November, and in every subsequent year

on the 1st day of March, and in every case shall be used as Jury List of the Court until the 1st day of March next at the time of its being brought into use.

Summoning
and attendance
of jurors.

29. Where, in pursuance of this Order, a jury is ordered the Court shall summon so many of the persons comprised in the jury list, not fewer than fifteen, as seem requisite.

Penalty.

Any person failing to attend according to such summons be liable to such fine, not exceeding 50 dollars, as the Court thinks fit to impose.

Any such fine shall not be levied until after the expiration of 14 days. The proper officer of the Court shall forthwith serve on the person fined notice in writing of the imposition of fine, and require him within six days after receipt of notice to file an affidavit excusing his non-attendance (if he desires to do so). The Court shall consider the affidavit, and may, if it seems proper, remit the fine.

Number of
jury.

30. A jury shall consist of five jurors.

Challenges.

31. In civil and in criminal cases the like challenges shall be allowed as in England, with this addition,—that in civil cases each party may challenge three jurors peremptorily.

Unanimity.

32. A jury shall be required to give an unanimous verdict.

Provincial Con-
sular Court,—
Assessors :
their number ;
qualifications ;

33. Where a Provincial Court proceeds, in pursuance of this Order, to hear and determine any case, civil or criminal, the Court shall nominate and summon as Assessors, not less than two and not more than four indifferent persons, subjects of good repute, resident in the district of the Court.

Where, however, by reason of local circumstances, the Court is unable to obtain the presence of one fit person only as Assessor, the Court may sit with him alone as Assessor; and where for like reasons the Court is not able to obtain the presence of any fit person as Assessor, the Court may (notwithstanding anything in this Order) sit without an Assessor; but in every case the Court shall record in the minutes of proceedings the reasons for sitting with one Assessor only, or without an Assessor.

and functions.

34. An Assessor shall not have voice or vote in the decision of the Court in any case, civil or criminal; but an Assessor dissenting in a civil case from any decision of the Court, or in a criminal case from any decision of the Court or the conviction, the amount of punishment awarded, may record in the minutes of proceedings his dissent and the grounds thereof; and an Assessor dissenting shall be entitled to receive gratis a certified copy of the minutes.

JURISDICTION AND AUTHORITIES OF HER MAJESTY'S COURTS.

I.—IN GENERAL.

All Her Majesty's jurisdiction, civil and criminal, exercisable in China, shall, for and within the district of the Consulate of Shanghai, be vested exclusively in the Supreme Court as its ordinary original jurisdiction.

Ordinary original jurisdiction of Supreme Court.

All Her Majesty's jurisdiction, civil and criminal, exercisable in China beyond the district of the Consulate of Shanghai and not under this Order vested exclusively in the Supreme Court,—and all Her Majesty's jurisdiction, civil and criminal, exercisable in Japan and not under this Order vested exclusively in the Supreme Court,—shall, to the extent and in the manner provided by this Order, be vested in the Provincial Courts each for and within its own district.

Jurisdiction of Provincial Courts.

The Supreme Court shall have, in all matters civil and criminal, an extra-ordinary original jurisdiction throughout China and Japan concurrent with the jurisdiction of the Provincial Courts, such extra-ordinary jurisdiction to be exercised subject and according to the provisions of this Order.

Concurrent jurisdiction of Supreme with Provincial Courts.

The Judge of the Supreme Court may, from time to time, visit in a magisterial or judicial capacity any Provincial Court, and there inquire of, or hear and determine, any case, civil or criminal, pending in that Court, or arising within its district,—or, from time to time, may appoint the Assistant Judge or Law Secretary of the Supreme Court to visit in the like manner and for the like purpose any Provincial Court.

Visits to Provincial Courts.

A Provincial Court may, of its own motion, or on the application of any person concerned, report to the Supreme Court the pendency of any case, civil or criminal, which appears to the Provincial Court fit to be heard and determined by the Supreme Court.

Reference of case by Provincial to Supreme Court.

The Supreme Court shall thereupon direct in what mode and manner the case shall be heard and determined, and (notwithstanding anything in this Order) the same shall be so heard and determined accordingly.

Every Court shall, in the exercise of every part of its jurisdiction, be a Court of Record.

Courts of Record.

The Judge of the Supreme Court may from time to time permit fit persons to practise in the Supreme Court as barristers, attorneys, and solicitors, or in any of those capacities.

Barristers, attorneys, and solicitors.

The Judge of the Supreme Court may from time to time subject to the approval of one of Her Majesty's Principal Secretaries of State, make Rules for regulating the admission of persons to practise as aforesaid in Provincial Courts.

Consul at
Shanghai to be
Sheriff.

42. Her Majesty's Consul at Shanghai shall have all powers and authorities of the Sheriff of a county in England with all the privileges and immunities of the office, and as Sheriff shall be charged with the execution of all decrees, orders, and sentences made and passed by the Supreme Court on the requisition in that behalf of the Supreme Court.

Execution by
Provincial of
writs, &c. from
Supreme Court.

43. Each Provincial Court shall execute any writ, order, or warrant issuing from the Supreme Court and directed to the Provincial Court;—and may take security from any person named therein for his appearance personally or by attorney, according to the writ, order, or warrant;—or may cause such person to be taken, in custody or otherwise, to the Supreme Court, or where in China or Japan, according to the writ, order, or warrant.

Execution of
writs, &c.
from Hong
Kong.

44. Any of Her Majesty's Courts in China or in Japan shall execute any writ, order, or warrant issuing from the Supreme Court of Hong Kong, and accompanied by a request for execution in writing under the seal of that Court;—and may take security from any person named in any such writ, order, or warrant for his appearance personally or by attorney in Hong Kong;—or may cause any such person to be taken, in custody or otherwise, to Hong Kong, according to the writ, order, or warrant.

Protection of
Consular
Officer.

45. Any of Her Majesty's Judicial or Consular Officers shall not be liable to an action for the escape of any person taken under any writ, order, or warrant of the Supreme Court of Hong Kong.

Courts to be
auxiliary.

46. Her Majesty's several Courts in China and Japan shall be auxiliary to one another in all particulars relative to the administration of justice, civil or criminal.

Report by
Provincial to
Supreme Court.

47. Each Provincial Court shall every six months furnish the Supreme Court for China and Japan a report respecting every case, civil and criminal, brought before it, in such form as the Judge of the Supreme Court from time to time direct.

II.—IN CIVIL MATTERS.

Reconciliation and Arbitration.

Every Court may promote reconciliation, and encourage Settlement of
facilitate the settlement in an amicable way of any suit or litigation.
pending before it.

A Court may, with the consent of the parties, refer to Reference to
the final determination of any suit or proceeding arbitration by
before it, or of all matters in difference between the Court.
on such terms and with such directions as to appoint-
of an arbitrator and other things as may seem fit, and may,
sinks fit, take from the parties, or any of them, security
by the result of the reference.
any such case the award shall be final and conclusive.
the application of any party a decree of the Court may
ered in conformity with the award, and such decree shall
open to any appeal or re-hearing whatever.

Every agreement for reference to arbitration or sub- Reference to
n to arbitration by consent may, on the application of any arbitration
be made a rule of a Court having jurisdiction in the made rule of
of the reference or submission, which Court shall there- Court.
have power and authority to enforce the agreement or sub-
n and the award made thereunder, and to control and
te the proceedings before and after the award in such
r and on such terms as may be just.

General Authority of Courts.

The Supreme and every other Court shall be a Court of Law and
nd of Equity. Equity.

Special Authorities of Courts.

The Supreme and every other Court shall be a Court of Bankruptcy.
ruptcy, and as such shall, as far as circumstances admit,
(as to a Provincial Court, for and within its own district,)
respect to British subjects and to their debtors and cre-
being either British subjects or foreigners submitting to
isdiction of the Court, all such jurisdiction as for the time
belongs to the Court of Bankruptcy and the County
s in England, or to any other judicial authority having for
ne being jurisdiction in Bankruptcy in England.

The Supreme and every other Court shall (as to a Pro- Coroner.
Court, for and within its own district) have and discharge
e powers, rights, and duties appertaining to the office of

Coroner in England,—summoning when necessary a jury of less than three persons comprised in the Jury List of the County.

Any person failing to attend according to such summons shall be liable to the like fine, to be levied in the like manner, as is provided in this Order provided with reference to juries in civil and criminal proceedings.

Admiralty.

54. The Supreme Court shall be a Vice-Admiralty Court, and as such shall, for and within China and Japan, have jurisdiction over all vessels and persons coming to and within China or Japan, and shall have all such jurisdiction as for the time being ordinarily belongs to Vice-Admiralty Courts in Her Majesty's possessions abroad.

Lunacy.

55. The Supreme Court shall, as far as circumstances admit, have in itself exclusively, for and within China and Japan, with respect to British subjects, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind as for the time being belongs to the High Court of Chancery or other person or persons in England intrusted with the care and management of the custody of the persons and estates of persons found by inquisition in England, idiot, lunatic, or of unsound mind.

Matrimonial Causes.

56. The Supreme Court shall be a Court for Matrimonial Causes, and as such shall, as far as circumstances admit, have in itself exclusively, for and within China and Japan, with respect to British subjects, all such jurisdiction, except jurisdiction relative to dissolution or nullity or jactitation of marriage, as for the time being belongs to the Court for Divorce and Matrimonial Causes in England.

Probate and Administration.

57. The Supreme Court shall be a Court of Probate, and as such shall, as far as circumstances admit, have, for and within China and Japan, with respect to the property of British subjects having at the time of death their fixed places of abode in China or Japan, all such jurisdiction as for the time being belongs to Her Majesty's Court of Probate in England.

A Provincial Court shall, however, also have power to probate or administration where there is no contention respecting the right to the grant, and it is proved on oath that the deceased had at the time of his death his fixed place of abode within the jurisdiction of the Provincial Court.

Probate or administration granted by a Provincial Court shall have effect over all the property of the deceased within China and Japan, and shall effectually discharge persons dealing with an executor or administrator thereunder, and that, notwithstanding any defect afterwards appears in the grant.

h a grant shall not be impeachable by reason only that deceased had not at the time of his death his fixed place of within the particular jurisdiction.

Any person having in his possession or under his control any paper or writing of a deceased British subject being or about to be testamentary, shall forthwith bring the same to the Court within the district whereof such person is at the time of his first knowledge of the death of the deceased, and deposit it there.

Testamentary papers to be deposited in Court.

Any person neglecting to do so for fourteen days after having knowledge of the death of the deceased, shall be liable to such penalty, not exceeding 250 dollars, as the Court thinks fit to impose.

Penalty.

From the death of a British subject, having at the time of his death his fixed place of abode in China or Japan, intestate until administration granted, his personal property within China and Japan shall be vested in the Judge of the Supreme Court, as the personal property of an intestate in England is vested in the Judge of Her Majesty's Court of Probate there.

Property of intestate until administration.

If any person, other than one of Her Majesty's Consular Officers, takes possession of and in any manner administers any part of the personal property of any person deceased without obtaining probate or administration within three months after the death of the deceased,—or within one month after the termination of any suit or dispute respecting probate or administration (if there is any such which is not ended within two months after the death of the deceased),—he shall be liable to a penalty not exceeding 500 dollars as the Court having jurisdiction in the matter of the property of the deceased thinks fit to impose; and in every such case the same fees shall be payable by the person so administering as would have been payable by him if he had obtained probate or administration.

Penalty on administering without probate.

Where a British subject, not having at the time of death his fixed place of abode in China or Japan, dies there, the Court within whose district he dies shall, where the circumstances of the case appear to the Court so to require, forthwith after the death of the deceased, or as soon after as may be, take possession of his personal property within the particular jurisdiction, or put it under the seal of the Court (in either case, if the nature of the property or other circumstances so require, after making an inventory), and so keep the property until it can be disposed of according to law.

Taking possession of property of deceased.

a summary way (as the case may require), in the same manner as if the crime or offence had been committed in its own right;—or may, on the requisition or with the consent of the Court of the district in which the crime or offence is charged to have been committed, send him in custody to that Court, or require him to give security for his surrender to that Court, to answer the charge and be dealt with according to law. Where any person is to be so sent in custody a warrant shall be issued by the Court within the district of which he is found, and such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up to the Court of the district within which the crime or offence was committed, according to the warrant.

2. Where a warrant or order of arrest is issued by a competent authority in Her Majesty's dominions for the apprehension of a British subject, who is charged with having committed some crime or offence within the jurisdiction of the authority issuing the warrant or order, and who is, or is supposed to be, in China or in Japan, and the warrant or order is produced to the Court, the Court may back the warrant or order; and the warrant when so backed, shall be sufficient authority to any person to whom the warrant or order was originally directed, also to any constable or other officer of the Court by which so backed, to apprehend the accused at any place where the Court by which the warrant or order is backed has jurisdiction, to carry him to and deliver him up in Her Majesty's dominions, according to the warrant or order.

Backing of
warrant issued
in British
dominions.

3. Where any person is charged with the commission of a crime or offence the cognizance whereof appertains to any of Her Majesty's Courts in China or in Japan, and it is expedient that the crime or offence be inquired of, tried, determined, and punished within Her Majesty's dominions, the accused may, under The Foreign Jurisdiction Act, section 4,) be sent for trial to Hong Kong.

Sending of
prisoner to
Hong Kong
for trial.

The Judge of the Supreme Court may, where it appears expedient, by warrant under his hand and seal and the seal of the Supreme Court, cause the accused to be taken for trial to Hong Kong accordingly.

Where any person is to be so taken to Hong Kong, the Court before which he is charged shall take the preliminary examination, and shall send the depositions to Hong Kong, and (if it seems necessary or proper) may bind over such of the accused or witnesses as are British subjects in their own recognizances to appear and give evidence on the trial.

Supreme Court,
—Jury;

68. All crimes which in England are capital shall be tried by the Judge of the Supreme Court with a jury.

Other crimes and offences above the degree of misdemeanor tried before the Judge, Assistant Judge, or Law Secretary of the Supreme Court, and not heard and determined in a summary way, shall be tried with a jury.

Any crime or offence tried before the Judge, Assistant Judge, or Law Secretary of the Supreme Court, may be tried with a jury where the Judge, Assistant Judge, or Law Secretary so directs.

Summary
jurisdiction.

Subject to the foregoing provisions, such classes of criminal cases tried before the Judge, Assistant Judge, or Law Secretary of Supreme Court, as the Judge, having regard to the law and practice existing in England, from time to time directs, shall be heard and determined in a summary way.

Sentence of
death.

69. Where any person is sentenced to suffer the punishment of death, the Judge of the Supreme Court shall forthwith send a report of the sentence, with a copy of the minutes of proceedings and notes of evidence in the case, and with any observations the Judge thinks fit, to Her Majesty's Minister in China or in Japan, according as the crime is committed in China or Japan.

The sentence shall not be carried into execution without the direction of Her Majesty's Minister in China or in Japan (as the case may be) in writing under his hand.

In any such case, if Her Majesty's Minister in China or Japan (as the case may be) does not direct that the sentence of death be carried into execution, he shall direct what punishment in lieu of the punishment of death is to be inflicted on the person convicted, and the person convicted shall be liable to be punished accordingly.

Provincial
Consular
Court,—
Procedure;

70. Where the crime or offence with which any person is charged before a Provincial Court is any crime or offence more than assault endangering life, cutting, maiming, arson, or house-breaking, and appears to the Court to be such that, if punished it would be adequately punished by imprisonment, without hard labour, for a term not exceeding three months, or by a fine not exceeding 200 dollars, the Court shall hear and determine the case in a summary way and without Assessors.

In other cases the Court shall hear and determine the case on indictment and with Assessors (subject to the provisions of this Order respecting inability to obtain an Assessor).

and extent of
Punishment.

71. A Provincial Court may impose the punishment of imprisonment for any term not exceeding twelve months, with or without hard labour, and with or without a fine not exceeding

0 dollars, or the punishment of a fine not exceeding 1,000
rs, without imprisonment.

2. Where the crime or offence with which any person is charged before a Provincial Court appears to the Court to be such that, if proved, it would not be adequately punished by such punishment as the Court has power to impose, and the accused is ordered to be sent for trial to Her Majesty's dominions, the Court shall reserve the case to be heard and determined by the Court under the special authority of the Supreme Court. The Provincial Court shall take the depositions, and forthwith send them, with a minute of other evidence, if any, and report on the case, to the Supreme Court. The Supreme Court shall direct in what mode and where the case shall be heard and determined, and (notwithstanding anything in this Order) the same shall be so heard and determined accordingly.

Reservation of case by Provincial for Supreme Court.

3. Every Court and authority in imposing and inflicting punishments, and Her Majesty's Ministers in China and Japan directing what punishment is to be inflicted in lieu of the punishment of death, shall have regard, as far as circumstances permit, and subject to the other provisions of this Order, to the punishments imposed by the law of England in like cases, and to the mode in which the same are inflicted in England.

Punishments in England to be regarded.

4. Any Court (but, in the case of a Provincial Court, subject to the approval of the Supreme Court,) may order any person convicted before it of any crime or offence to pay all or part of the expenses of or preliminary to his trial and of imprisonment or other punishment.

Payment of expenses by offender ;

5. Where it appears to any Court that any charge made against a person is malicious, or is frivolous and vexatious, the Court may order all or any part of the expenses of the prosecution to be paid by the person making the charge.

or by accuser.

6. In either of the two last-mentioned cases, the amount ordered to be paid shall be deemed a debt due to the Crown, and may, by virtue of the order, without further proceedings, be levied on the property of the person convicted or making the charge, as the case may be.

Recovery of expenses.

7. Where any punishment has been awarded by the Supreme Court or other Court, then, if the circumstances of the case make it proper or expedient, the Judge of the Supreme Court may at any time, and from time to time, report to one of Her Majesty's Principal Secretaries of State, or to Her Majesty's Minister in China or in Japan (according as the crime or offence was committed in China or Japan), recommending a mitigation or remission of punishment.

Mitigation or remission of punishment.

mission of the punishment; and on such recommendation such punishment may be mitigated or remitted by directing the authority to whom the report is made.

But no such recommendation shall be made with respect to any punishment awarded by a Provincial Court, except on the recommendation of that Court, or on the dissent of an Assessor (if any) from the conviction or from the amount of punishment awarded.

Place of imprisonment in China or Japan.

78. The Judge of the Supreme Court may, where it is expedient, by warrant under his hand and the seal of the Supreme Court, cause any offender convicted before any Court and sentenced to imprisonment to be taken to and imprisoned at any place in China or in Japan from time to time appointed by one of Her Majesty's Principal Secretaries of State as a place of imprisonment for offenders.

A warrant of the Supreme Court shall be sufficient authority to the governor or keeper of such place of imprisonment to receive any other person to whom it is directed to receive and detain the person therein named, according to the warrant.

Imprisonment in British dominions.

79. Where any offender convicted before a Court in China or in Japan is sentenced to suffer imprisonment in respect of a crime or offence of which he is convicted, and it is expedient that the sentence be carried into effect within Her Majesty's dominions, the offender may (under The Foreign Jurisdiction Act, section 5,) be sent for imprisonment to Hong Kong.

The Judge of the Supreme Court may, where it is expedient, by warrant under his hand and seal and the seal of the Supreme Court, cause the offender to be taken to Hong Kong in order that the sentence passed on him may be there carried into effect accordingly.

In criminal cases, reports to Secretary of State.

80. The Judge of the Supreme Court shall, when required by one of Her Majesty's Principal Secretaries of State, send to the Secretary of State a report of the sentence passed by the Judge, Assistant Judge, or Law Secretary of the Court in every case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence, and the Judge may send with such report any observations which he thinks fit.

Every Provincial Court shall forthwith send to the Judge of the Supreme Court a report of the sentence passed by it in every case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence, and any observations the Court thinks fit. The Judge of the Supreme Court shall, when required by one of Her Majesty's Principal Secretaries of State, send to the Secretary of State a report of the sentence passed by the Judge, Assistant Judge, or Law Secretary of the Court in every case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence, and any observations which he thinks fit.

pal Secretaries of State, transmit the same to the Secretary of State, and may send therewith any observations he thinks fit

VI.—WAR, INSURRECTION, OR REBELLION.

If any British subject commits any of the following offences, that is to say,—

Punishment for
levying war,
&c.

In China, while Her Majesty is at peace with the Emperor of China, levies war or takes part in any operation of war against the Emperor of China, or aids or abets any person in carrying on war, insurrection, or rebellion against the Emperor of China;

In Japan, while Her Majesty is at peace with the Tycoon of Japan, levies war or takes part in any operation of war against the Tycoon of Japan, or aids or abets any person in carrying on war, insurrection, or rebellion, against the Tycoon of Japan;—

any person so offending shall be deemed guilty of a misdemeanour, and on conviction thereof shall be liable (in the discretion of the Court before which he is convicted) to be punished by imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding 5,000 dollars, or by a fine not exceeding 5,000 dollars, without imprisonment.

In addition to such punishment, every such conviction shall, of itself, and without further proceedings, make the person liable to deportation; and the Court before which he is convicted may order that he be deported from China or Japan to any place as the Court directs.

If any British subject without the licence of Her Majesty (proof whereof shall lie on the party accused) takes part in any operation of war in the service of the Emperor of China, or aids or abets any persons engaged in carrying on war, insurrection, or rebellion against the Emperor of China, he shall be deemed guilty of a misdemeanour, and on conviction thereof shall be liable (in the discretion of the Court before which he is convicted) to be punished by imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding 5,000 dollars, or by a fine not exceeding 5,000 dollars, without imprisonment.

Punishment for
serving with
Forces of
Emperor of
China without
licence.

If the Court before which any person charged with having committed such a misdemeanour as in the two last preceding Articles mentioned is brought is a Provincial Court, the Court shall report to the Judge of the Supreme Court the facts of the case.

Report by
Provincial
Court.

The Judge of the Supreme Court shall thereupon determine in what mode and where the case shall be heard and determined, and (notwithstanding anything in this Order) the case shall be so heard and determined accordingly.

VII.—TREATIES AND REGULATIONS.

Penalties for
violation of
Treaties.

84. If any British subject in China or in Japan violates or fails to observe any stipulation of any Treaty between Her Majesty, Her heirs or successors, and the Emperor of China, the Tycoon of Japan for the time being in force, in respect of the violation whereof any penalty is stipulated for in the Treaty, he shall be deemed guilty of an offence against the Treaty, and on conviction thereof under this Order shall be liable to a penalty not exceeding the penalty stipulated in the Treaty.

Regulations for
China.

85. Her Majesty's Minister in China may from time to time make such Regulations as seem fit for the peace, order and good government of British subjects resident in or resorting to China, and for the observance of the stipulations of Treaties between Her Majesty, Her heirs or successors, and the Emperor of China, and for the maintenance of friendly relations between British subjects and Chinese subjects and authorities, and may make any such Regulations apply either throughout China or to some one or more of the Consular districts in China, and may by any such Regulations repeal or alter any Regulations made for any such purpose as aforesaid before the commencement of this Order.

Any such Regulations shall not have effect unless and until they are approved by Her Majesty, such approval being signified through one of Her Majesty's Principal Secretaries of State,—save that in case of urgency, declared in any Regulations, the same shall have effect unless and until they are disapproved by Her Majesty, such disapproval being signified through one of Her Majesty's Principal Secretaries of State, and notification of such disapproval is received and published by Her Majesty's Minister in China.

Penalties.

86. Such Regulations may impose penalties for offences against the same, as follows, namely,—for each offence imprisonment for any term not exceeding three months, with or without hard labour, and with or without a fine not exceeding 500 dollars, or a fine not exceeding 500 dollars, without imprisonment, with or without further fines for continuing offences not exceeding in any case 25 dollars for each day during which the offence continues after the original fine is incurred,—but

uch Regulations be so framed as to allow in every case of only of the maximum penalty being inflicted.

7. All such Regulations shall be printed, and a printed copy of each shall be affixed and at all times kept exhibited conspicuously in the public office of each Consular Officer in China whose district the Regulations apply. Publication.

Printed copies of the Regulations applicable to each district be provided and sold therein at such reasonable price as Her Majesty's Minister in China from time to time directs.

8. No penalty shall be enforced in any Consular district for offence against any such Regulation until the Regulation has been so affixed and kept exhibited in the public office of the Consular Officer for that district during one month. When penalties enforceable.

9. For the purpose of convicting any person committing an offence against any such Regulation, and for all other purposes, a printed copy of the Regulation, purporting to be certified under the hand of Her Majesty's Minister in China, or under the hand and Consular seal of one of Her Majesty's Consular Officers in China, shall be conclusive evidence of the Regulation; and no proof of the handwriting or seal purporting to certify the same shall be required. Proof of Regulations.

10. The foregoing provisions relative to the making, printing, publication, enforcement, and proof of Regulations in and for China shall extend and apply, *mutatis mutandis*, to the making, printing, publication, enforcement, and proof of Regulations in and for Japan, with the substitution only of Japan for China, of the Tycoon of Japan for the Emperor of China, and of Her Majesty's Minister in Japan for Her Majesty's Minister in China, and of Her Majesty's Consular Officers in Japan for Her Majesty's Consular Officers in China. Regulations for Japan.

11. Any charge under this Order of an offence against any Treaty, or against any such Regulation as aforesaid, shall be tried, heard and determined in like manner in all respects as any ordinary criminal charge may be inquired of, heard and determined under this Order, subject only to this qualification, that (notwithstanding anything in this Order) every charge of an offence against any Treaty or against any Regulation for non-observance of the stipulations of any Treaty shall be heard and determined in a summary way, and (where the proceeding is before a Provincial Court) without Assessors. Trial of offences.

VIII.—UNLAWFUL TRADE WITH JAPAN.

2. All trade of British subjects in, to, or from any part of Japan, except such ports and towns as are for the time being open to open ports, shall be unlawful. Trade except to open ports unlawful.

opened to British subjects by treaty between Her Majesty, Her heirs or successors, and the Tycoon of Japan, is hereby declared unlawful.

If any person engages in such trade as a principal, agent, ship-owner, ship-master, or supercargo, he shall be deemed guilty of a misdemeanour, and on conviction thereof shall be liable to be punished (in the discretion of the Court before which he is convicted) by imprisonment for any term not exceeding ten years with or without hard labour, and with or without a fine not exceeding 10,000 dollars, or by a fine not exceeding 10,000 dollars without imprisonment.

Report of Provincial Court.

93. If the Court before which any person charged with having committed such a misdemeanour is brought is a Provincial Court, the Court shall report to the Judge of the Supreme Court the pendency of the case.

The Judge of the Supreme Court shall thereupon direct in what mode and where the case shall be heard and determined, and (notwithstanding anything in this Order) the case shall be so heard and determined accordingly.

Seizure of vessel, &c.

94. The officer commanding any of Her Majesty's vessel of war or any of Her Majesty's Naval Officers authorized in that behalf by the Officer having the command of Her Majesty's Naval Forces in Japan by writing under his hand, may seize any British vessel engaged or reasonably suspected of being so engaged or having been engaged in any trade by this Order declared unlawful, and may either detain the vessel, with the master, officers, supercargo, crew, and other persons engaged in navigating the vessel, or any of them, or take or cause to be taken the vessel, and the master, officers, supercargo, crew, and other persons aforesaid, or any of them, to any port or place in Japan or elsewhere convenient for the prosecution of a charge for the misdemeanour alleged to have been committed.

Any such vessel, master, officers, supercargo, crew, and persons may lawfully be detained at the place of seizure or at the place or place to which the vessel is so taken under the authority of any such Officer, or of any of Her Majesty's Consular Officers in China or Japan, until the conclusion of any proceedings taken in respect of such misdemeanour.

IX.—JAPANESE WATERS.

Regulations as to entering waters, &c.

95. When and as often as it appears to Her Majesty's Ministers in Japan that the unrestricted entrance of British vessels into Japan or the unrestricted passage of British vessels through any strait or other water in Japan may lead to acts of disturbance or violence, or may otherwise endanger the maintenance of peace

and intercourse between Her Majesty's subjects and subjects of the Tycoon of Japan, Her Majesty's Minister make any Regulation for prohibiting, or for restricting in manner as seems expedient, the entrance or passage of British vessel (other than a vessel of war of Her Majesty) through any such strait or other water as aforesaid as in the Regulation.

Majesty's Minister may from time to time revoke or alter such Regulation.

The foregoing provisions of this Order relative to the Regu- Penalties and proceedings.
g, printing, publication, enforcement, and proof of Regulation to be made by Her Majesty's Minister in Japan, and to mode of proceeding in respect of any charge for an offence to any such Regulations, shall extend and apply, *mutatis mutandis*, to any Regulation made by Her Majesty's Minister in Japan, as last aforesaid.

If any person navigating a British vessel wilfully violates, or wilfully attempts to violate, any such Regulation, the Officer commanding any vessel of war of Her Majesty, or in charge of a boat belonging to such vessel of war, may use force for the purpose of compelling him to desist from the violation attempted violation of the Regulation, and if it appears necessary or expedient may seize the vessel, and such Commanding Officer may either detain her at the place of seizure, or cause her to be taken to any port or place in Japan, or elsewhere, where the offender may be more conveniently prosecuted for such offence. Seizure of vessel.

Such vessel may lawfully be detained at the place of seizure, or at the port or place to which she is so taken, under the authority of any such Commanding Officer, or of any of Her Majesty's Consular Officers in Japan, until the conclusion of proceedings taken in respect of the offence.

X.—PIRACY.

Any British subject being in China or in Japan may be proceeded against, tried, and punished under this Order for the offence of piracy wherever committed. Jurisdiction as to piracy.

If the Court before which a British subject charged with the offence of piracy is brought is a Provincial Court, the Court shall report to the Judge of the Supreme Court the pendency of the case. Report by Provincial Court.

The Judge of the Supreme Court shall thereupon direct in what mode and where the case shall be heard and determined, notwithstanding anything in this Order) the case shall be heard and determined accordingly.

XI.—OFFENCES AGAINST RELIGION.

Punishment in summary way for public insults to religion or religious institutions.

100. If any British subject is guilty of publicly deriding, mocking, or insulting any religion established or observed in China or in Japan,—or of publicly offering any insult to any religious service, feast, or ceremony established or kept in any place of China or in Japan, or to any place of worship, tomb, or sanctuary belonging to any such religion, or to the ministers or professors thereof,—or of wilfully committing any act tending to bring any such religion, or its ceremonies, mode of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace,—he shall be liable to the discretion of the Court before which he is convicted, to imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding 500 dollars, or to a fine not exceeding 500 dollars, with or without imprisonment.

Notwithstanding anything in this Order, every charge against a British subject of having committed any such offence shall be heard and determined in a summary way, and any Provincial Court shall have power to impose the punishment aforesaid.

Her Majesty's Consular Officers shall take such precautionary measures as seem to them proper and expedient for the prevention of such offences.

XII.—AUTHORITY WITHIN 100 MILES OF COAST OF CHINA.

Jurisdiction of Courts in China and Japan.

101. Where a British subject, being after the commencement of this Order in China or in Japan, is charged with having committed, either before or after the commencement of this Order, any crime or offence within a British vessel at a distance of not more than 100 miles from the coast of China,—within a Chinese or Japanese vessel at such a distance as aforesaid,—or within a vessel not lawfully entitled to claim the protection of the flag of any State, at such a distance as aforesaid,—any of Her Majesty's Courts in China or in Japan within the jurisdiction whereof he is found may cause him to be apprehended and brought before it, and may take the preliminary examination and commit him for trial.

Report by Provincial Court.

102. If the Court before which the accused is brought is a Provincial Court, the Court shall report to the Judge of the Supreme Court the pendency of the case.

The Judge of the Supreme Court shall thereupon direct in what mode and where the case shall be heard and determined, and (notwithstanding anything in this Order) the case shall be so heard and determined accordingly.

1. The provisions of this Order relative to crimes and proceedings in criminal matters, shall in all cases, as far as may be, extend and apply to every such case, in the same manner as if the crime or offence had been committed in China or Japan. Application of other provisions.

2. Where a British subject, being after the commencement of this Order in Hong Kong, is charged with having committed a crime either before or after the commencement of this Order, on any British ship or vessel at such a distance as aforesaid, the Supreme Court at Hong Kong shall have and may exercise authority and jurisdiction with respect to the crime or offence as fully as if it had been committed in Hong Kong. Jurisdiction at Hong Kong.

3. Her Majesty's Minister in China or in Japan, the Judge or Assistant Judge of the Supreme Court, and any of Her Majesty's Consular Officers in China or in Japan, or the Government person administering the Government of Hong Kong, on receiving satisfactory information that any soldier, sailor, marine, or person belonging to any of Her Majesty's Military or Naval forces, has deserted therefrom, and has concealed himself on any British, Chinese, Japanese, or other such vessel at such a distance as aforesaid, may, in pursuance of such information, issue a warrant for a search after and apprehension of such person, and on being satisfied on investigation that any person apprehended is such a deserter, shall cause him to be with all convenient speed taken and delivered over to the nearest military station of Her Majesty's forces, or to the officer in command of a vessel of war of Her Majesty serving in China or Japan, as the case may require. Military and Naval Deserters.

XIII.—DEPORTATION.

1. (i.) Where it is shown on oath, to the satisfaction of the Court, that there is reasonable ground to apprehend that any British subject in China or in Japan is about to commit a breach of the public peace,—or that the acts or conduct of any British subject in China or in Japan are or is likely to produce or excite to a breach of the public peace,—the Court within the jurisdiction of which he happens to be may cause him to be brought before the Court, and require him to give security to the satisfaction of the Court to keep the peace, or for his future good behaviour, as the Court may require : Deportation, in what cases.

Where any British subject is convicted, under this Order, of a crime or offence, the Court within the jurisdiction

whereof he happens to be may require him to give security to the satisfaction of the Court for his future good behaviour:

In either of these cases, if the person required to give security fails to do so, the Court may order that he be deported from China or Japan to such place as the Court directs.

Place of deportation.

107. In any case where an order of deportation is issued under this Order, the Court shall not, without the consent of the person to be deported, direct the deportation of any person to any place other than Hong Kong or England.

Report by Provincial Court.

108. A Provincial Court shall forthwith report to the Judge of the Supreme Court any order of deportation made by it, and the grounds thereof.

The Judge of the Supreme Court may reverse the order or may confirm it with or without variation, and in case of confirmation, shall direct it to be carried into effect.

Time of deportation.

109. The person to be deported shall be detained in custody until a fit time and opportunity for his deportation arrives.

The Judge of the Supreme Court shall then (and in the case of a person convicted, either after execution of the sentence while it is in course of execution), by warrant cause him to be taken to the place of deportation.

Order for expenses.

110. The Judge of the Supreme Court may order that the person to be deported do pay all or any part of the expenses or preliminary to his deportation.

Report of deportation.

111. The Judge of the Supreme Court shall forthwith report to one of Her Majesty's Principal Secretaries of State any order of deportation made or confirmed by him and the grounds thereof, and shall also inform Her Majesty's Ministers in China and Japan of the same.

Deportation to and from Hong Kong.

112. Where any person is deported to Hong Kong, he shall, on his arrival there be delivered, with the warrant under which he is deported, into the custody of the Chief Magistrate of Police of Hong Kong, or other officer of Her Majesty's Government lawfully acting as such, who, on receipt of the person deported with the warrant, shall detain him and shall forthwith report the case to the Governor or person administering the Government of Hong Kong, who shall either by warrant (if the circumstances of the case appear to him to make it expedient) cause the person so deported to be taken to England, and in the meantime to be detained in custody, (so that the period of such detention do not exceed three months,) or else shall charge him from custody.

3. If any person deported returns to China or Japan without permission of one of Her Majesty's Principal Secretaries of State, in writing under his hand (which permission the Secretary of State may give), he shall be guilty of an offence against this Order, and shall be liable on conviction thereof to punishment (in the discretion of the Court before which he is convicted) by imprisonment for any term not exceeding one year, with or without hard labour, and with or without a fine not exceeding 200 dollars, or by a fine not exceeding 200 dollars, without imprisonment, and also to be forthwith again deported in manner herein-before provided. Punishment for returning.

XIV.—REGISTRATION OF BRITISH SUBJECTS.

4. Every British subject resident in China or Japan,—
 of the age of 21 years or upwards,—or being married, widower or widow, though under that age,—shall, in the month of January in the year 1866, and every subsequent year, register himself or herself in a register to be kept at the Consulate of the Consular district within which he or she resides,—subject to this qualification, that the registration of a man shall be deemed to include the registration of his wife (unless she is living apart from him), and that the registration of the head of a family, whether male or female, shall be deemed to include the registration of all females, and of the relatives of the head of the family (in whatever degree of relationship), living under the same roof with the head of the family at the time of his or her registration. Annual registration of residents.

Every British subject not so resident arriving at any place in China or Japan where a Consular Office is maintained, unless he is on the muster roll of a British Vessel there arriving, shall, within one month after his or her arrival, register himself in a register to be kept at the Consular Office,—but that no such person shall be required to register himself or herself more than once in any year, reckoned from the 1st day of January. Registration of non-residents.

Any person failing so to register himself or herself, and not bringing his or her failure to the satisfaction of the Consular Officer, shall not be entitled to be recognized or protected as a British subject in China or Japan, and shall be liable to a fine not exceeding ten dollars for each instance of such failure. Penalty.

15. Every person shall on every registration of himself or herself pay a fee of such amount as one of Her Majesty's Principal Secretaries of State from time to time by order under his hand appoints, such amount either to be uniform for Fee.

all persons, or to vary according to the circumstances of different classes, as the Secretary of State from time to time by such order directs.

Certificate.

116. The Consular Officer shall issue to every person so entered a certificate of registration under his hand and Consular seal; and the name of a wife (unless she is living apart from her husband) shall be indorsed on her husband's certificate; and the names and descriptions of females whose registration is included in that of the head of the family shall be indorsed on the certificate of the head of the family.

XV.—FOREIGNERS. FOREIGN TRIBUNALS.

Suits by
foreigners
against British
subjects.

117. Where a foreigner desires to institute or take any suit or proceeding of a civil nature against a British subject in the Supreme or other Court, according to its jurisdiction, the Court shall entertain the same, and where any such suit or proceeding is entertained shall hear and determine it according to the provisions of this Order and of the Rules made under it applicable in the case,—either by the Judge, Assistant Judge, Law Secretary, or proper Consular Officer sitting alone (or with Assessor when the case so requires),—or, if (in any case where a trial with a jury may be had under this Order) all parties demand or the Court thinks fit to direct, a trial with a jury, then and otherwise, by the Judge, Assistant Judge, Law Secretary, or proper Consular Officer, with a jury.

Compulsory
attendance
of British
subjects be-
fore foreign
tribunals.

118. Where it is shown to any of Her Majesty's Courts that the attendance of a British subject to give evidence, or for any other purpose connected with the administration of justice, is required in a Chinese or Japanese Court, or before a Chinese or Japanese judicial officer, or in a Court or before a judicial officer in China or Japan of any State in amity with Her Majesty, the Court may, in cases and under circumstances where it would require the attendance of that British subject before one of Her Majesty's Courts in China or Japan and it seems to the Court just and expedient so to do, make an order for the attendance of the British subject in such Court or before such judicial officer and for such purpose as aforesaid,—but that a Provincial Court shall not have power to make an order for such attendance of a British subject at any place beyond the particular jurisdiction of the Court.

Any British subject, duly served with such an order and given reasonable notice of the time and place at which his attendance is required, failing to attend accordingly and not excusing his failure to the satisfaction of the Court making the order

le to a fine not exceeding 500 dollars, or to imprisonment
y term not exceeding one month, in the discretion of the

XVI.—APPEAL TO SUPREME COURT.

I.—IN CIVIL CASES.

1. Where any decision of a Provincial Court, sitting with
hout Assessors, is given in a civil case in respect of a
r matter at issue of the amount or value of 250 dollars or
ds,—or determines, directly or indirectly, any claim or
on respecting property of the amount or value of 250
s or upwards,—any party aggrieved by the decision may
to the Provincial Court for leave to appeal to the
ne Court, and shall be entitled to leave on the terms
bed by the Rules made under this Order, and subject to
strictions and exceptions therein contained.
ny other case the Provincial Court may, if it seems just
pedient, give leave to appeal on like terms.
any case the Supreme Court may give leave to appeal
h terms as seem just.

Leave to appeal
to be obtained.

II.—IN CRIMINAL CASES.

1. Where any person is convicted otherwise than in a sum-
way of a crime or offence, the Court or Officer trying the
ay, if it seems fit, reserve for the consideration of the
ne Court any question of law arising on the trial.
Court or Officer shall then state a special case, setting
e question reserved, with the facts and circumstances on
it arose, and shall send the case to the Supreme Court.

On conviction
on indictment,
question of law
may be re-
served.

2. Where any person is convicted in a summary way of a
or offence, and is dissatisfied with the conviction as being
ous in point of law, the Court or Officer trying the case
on his application in writing, and on compliance by him
ny terms prescribed by the Rules made under this Order,
a special case, setting out the facts and the grounds of the
tion, for the opinion of the Supreme Court, and send it to
ourt.

On summary
conviction,
appeal on point
of law to lie.

3. Where a special case is stated, the Court or Officer stating
il, as seems fit, either postpone judgment on the con-
a, or respite execution of the judgment, and either commit
erson convicted to prison, or take proper security for him
ear and receive judgment or to render himself in execu-
s the case may require) at an appointed time and place.

Postponement
of judgment
or execution.

Authority of
Supreme Court.

123. The Supreme Court shall hear and determine the matter and thereupon shall reverse, affirm, or amend the judgment, conviction, or sentence in question,—or set aside the same and order an entry to be made in the minutes of proceedings to the effect that in the judgment of the Supreme Court the person convicted ought not to have been convicted,—or arrest judgment,—or order judgment to be given at a subsequent sitting of the Court or Officer stating the case,—or make any other order as justice requires,—and shall also give all needful and proper consequential directions.

Proceedings to
be public.

124. The judgment of the Supreme Court shall be delivered in open court after the public hearing of any argument or on behalf of the prosecution or of the person convicted.

Amendment of
special case.

125. Before delivering judgment, the Supreme Court or Officer, if necessary, cause the special case to be amended by the Court or Officer stating it.

Refusal to state
special case on
summary con-
viction.

126. If on an application for a special case, on a summary conviction, it seems to the Court or Officer that the application is merely frivolous, but not otherwise, the Court or Officer may refuse to state a case.

A Court or Officer so refusing shall forthwith send to the Supreme Court a report of the sentence, with a copy of the minutes of proceedings and notes of evidence, and any observations the Court or Officer thinks fit, and with a copy of the application for a special case.

The Supreme Court shall examine the report and documents so sent, and, unless the Supreme Court is of opinion that the application was merely frivolous, shall on the application, on that behalf of the appellant, if made within one month of the refusal of a special case, proceed to hear and determine the matter according to the foregoing provisions, as nearly as may be as if a special case had been stated.

XVII.—RULES OF PROCEDURE.

Rules to be
framed by
Judge of
Supreme Court.

127. The Judge of the Supreme Court may, from time to time, frame Rules for any purpose for which it is before the Court. No Order expressed or implied that Rules of procedure or practice are to be made, and also for the regulation of procedure, pleading, forms of writs, and other proceedings, expenses, witnesses and prosecutions, costs and fees, in civil and criminal cases, in the Supreme Court and other Courts, including the regulation of cross-suits and the admission of counter-claims, and the regulation of proceedings thereon, or for the regulation of appeals to the Supreme Court from

Courts in civil and in criminal cases, and of rehearings the Judge of the Supreme Court, and may thereby reasonable penalties.

Rules affecting the conduct of civil suits shall be so framed secure, as far as may be, that cases shall be decided on merits according to substantial justice without excessive delay to technicalities of pleading or procedure and without unnecessary delay.

Rules framed by the Judge shall not have effect unless until they are approved by one of Her Majesty's Principal Secretaries of State,—save that in case of urgency declared in Rules framed by the Judge, with the approval of Her Majesty's Minister in China, the same shall have effect, unless until they are disapproved by one of Her Majesty's Principal Secretaries of State, and notification of such disapproval is received and published by the Judge.

A copy of the Rules for the time being in force shall be exhibited conspicuously in each Court and Consulate in China and Japan. Publication of Rules.

Free copies shall be provided and sold at such reasonable price as the Judge of the Supreme Court from time to time

penalty shall be enforced in any Court for the breach of any Rule until the Rule has been so exhibited in the Court for a month.

A printed copy of any Rule, purporting to be certified in the hand of the Judge of the Supreme Court and the Seal of that Court, shall be for all purposes conclusive evidence of the due framing, approval, and publication of the contents of the Rule. Evidence of Rules.

From and after the commencement of any Rules made by the Judge of the Supreme Court under this Order, all Rules and Regulations theretofore made by the Chief Superintendent of Trade in China, or by Her Majesty's Consul-General in Japan, in respect of any matter in respect whereof the Judge of the Supreme Court is by this Order authorized to make Rules shall cease to operate. Revocation of existing Rules.

III.—APPEAL TO HER MAJESTY IN COUNCIL.

Where any final decree or order of the Supreme Court is made in a civil case in respect of a sum or matter at issue of an amount or value of 2,500 dollars or upwards, — or in respect of any claim or question of property of the amount or value of 2,500 dollars or upwards, — or in respect of any question of land from Supreme Court in civil cases involving 2,500 dollars or upwards. Appeal on question of land from Supreme Court in civil cases involving 2,500 dollars or upwards.

or upwards,—any party aggrieved by the decree or order within fifteen days after the same is made, apply by motion to the Supreme Court for leave to appeal to Her Majesty in Council.

Execution or suspension.

132. If leave to appeal is applied for by a party adjudged to pay money or perform a duty, the Supreme Court shall either that the decree or order appealed from be carried into execution, or that the execution thereof be suspended, pending the appeal, as the Court considers to be in accordance with the substantial justice.

Security on execution.

133. If the Court directs the decree or order to be carried into execution, the party in whose favour it is made shall, before the execution of it, give security to the satisfaction of the Court for the due performance of such order as Her Majesty in Council may think fit to make.

Security on suspension.

134. If the Court directs the execution of the decree or order to be suspended pending the appeal, the party against whom the decree is made shall, before any order for suspension of execution, give security to the satisfaction of the Court for the due performance of such order as Her Majesty in Council may think fit to make.

Security on appeal.

135. In all cases security shall also be given by the appellant to the satisfaction of the Court to an amount not exceeding 2,500 dollars for the prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by Her Majesty in Council, or by the Lords of the Judicial Committee of Her Majesty's Privy Council.

Leave to appeal.

136. If the last-mentioned security is given within one month from the filing of the motion-paper for leave to appeal, then, and not otherwise, the Supreme Court shall give leave to appeal.

Leave in other cases.

137. In any case other than the cases herein-before described, the Supreme Court may give leave to appeal on the terms it thinks fit in the manner aforesaid if it considers it just or expedient to do so.

Liberty to appeal accordingly.

138. In every case where leave to appeal is given as aforesaid, the appellant shall be at liberty to prefer and prosecute his appeal to Her Majesty in Council according to the rules for that purpose being in force respecting appeals to Her Majesty in Council from Her Colonies, or such other rules as Her Majesty in Council from time to time thinks fit to make concerning appeals from the Supreme Court.

Saving for other rights of appeal.

139. Nothing in this Order shall affect the right of any party to appeal to Her Majesty at any time, on the humble petition of a party aggrieved.

decision of the Supreme Court in a civil case, to admit his thereon on such terms and in such manner as Her Majesty in Council may think fit, and to deal with the decision as directed from in such manner as may be just.

Where any judgment, order, or sentence of the Supreme Court is given, made, or passed in the exercise of original or appellate criminal jurisdiction, the party convicted with the crime or offence, if he considers the judgment or sentence to be erroneous in point of law, may appeal from the same to Her Majesty in Council, provided that the Supreme Court declares the case to be a fit one for such appeal and that the appellant complies with such conditions as the Supreme Court establishes or requires, subject always to such regulations from time to time as Her Majesty in Council thinks fit to make in that behalf.

Appeal on question of law from Supreme Court in criminal cases.

XIX.—GENERAL PROVISIONS.

Nothing in this Order shall be deemed to affect Her Majesty's prerogative of pardon.

Saving for prerogative of pardon.

Except as in this Order expressly provided, nothing in this Order shall preclude any of Her Majesty's Consular Officers in China or in Japan from performing any act not of a judicial character, that Her Majesty's Consular Officers there might, or by virtue of usage or sufferance, or otherwise, have performed if this Order had not been made.

Saving for general Consular powers.

Every one of Her Majesty's Consular Officers shall, as far as is proper opportunity, promote reconciliation and endeavours to and facilitate the settlement in an amicable way, and to refrain from recourse to litigation, of matters in difference between subjects in China or in Japan.

Reconciliation before litigation.

Every signature or seal affixed to any instrument purporting to be the signature of the Judge of the Supreme Court or of any officer or person acting under this Order, or the seal of any of Her Majesty's Courts in China or in Japan, shall, for all purposes under this Order, without any proof, be presumed to be genuine, and shall be taken as such until the contrary is proved.

Presumption as to signatures and seals.

In every case, civil or criminal, heard in any Court, minutes of the proceedings shall be drawn up, and shall be signed by the Judge or Officer before whom the proceedings were taken, and sealed with the seal of the Court, and shall, when Assessors are present, be open for their inspection and signature if concurred in by them.

Minutes of proceedings.

The minutes, with depositions of witnesses and notes of evidence taken at the trial by the Judge or Officer, shall be preserved in the public office of the Court.

Costs in civil cases.

146. In a civil case any Court may order such costs, or charges, and expenses, as to the Court seem reasonable paid by any party to the proceedings, or out of any fund which the proceeding relates.

Witnesses ;
British
subjects.

147. Any Court, either of its own motion, or, in civil cases, on the application of any party to any suit or proceeding, may summon as a witness any British subject in China or Japan,—but so that a Provincial Court shall have power so to summon British subjects in its own district.

Any British subject, duly served with such a summons with reasonable notice of the time and place at which his attendance is required, failing to attend accordingly and not excusing his failure to the satisfaction of the Court, shall, over and above any other liability to which he may be subject, be liable to a fine not exceeding 500 dollars, or to imprisonment for any term not exceeding one month, in the discretion of the Court.

Expenses of
witnesses in
civil cases.

148. In civil cases any Court may, where the circumstances appear to justify it, order that the expenses of a witness appearing to give evidence, shall be defrayed by the party in any of them.

Examination
on oath.

149. Any person appearing before a Court to give evidence in any case, civil or criminal, may be examined or give evidence on oath in the form or with the ceremony that he declares to be binding on his conscience.

Perjury.

150. Any British subject wilfully giving false evidence in any suit or proceeding, civil or criminal, or on any reference, shall, on conviction thereof, be deemed guilty of wilful and corrupt perjury.

Enforcing
payment of
costs, penalties,
and other
moneys.

151. All costs and all charges and expenses of witnesses, prosecutions, punishments, and deportations, and other charges, and expenses, and all fees, fines, forfeitures, and penalties payable under this Order, may be levied by the Court by sale and seizure and sale of ships, goods, and lands; and by sale, or mortgage, or transfer of property, made with or without security in regard to crimes or offences committed or about to be committed, shall be of any avail to defeat any provision of this Order.

Application of
fees, and other
moneys.

152. All fees, fines, forfeitures, confiscations, and penalties levied under this Order, except confiscations and pecuniary penalties by treaty appropriated or payable

Government of China or to that of the Tycoon of Japan, shall be paid to the public account, and be applied in diminution of public expenditure on account of Her Majesty's Courts in China and Japan; but if the Government of China or that of the Tycoon of Japan declines to receive any confiscation or pecuniary penalty by treaty appropriated or payable to it, the same shall be applied as other confiscations and pecuniary penalties are applicable.

3. Whenever under this Order any person is to be taken into custody or otherwise, for trial or imprisonment, or by way of transportation, or for any other purpose, to the Supreme Court or elsewhere in China or Japan, or to Hong Kong, and, or elsewhere, the Court or other authority by this Order is authorized to cause him to be so taken, may for that purpose (if necessary) cause him to be embarked on board one of Her Majesty's vessels of war, or if there is no such vessel available, then on board any British or other fit vessel, at any place or place whether within or beyond the particular jurisdiction or district of that Court or authority, and in order to his embarkment may (if necessary) cause him to be taken, in whole or partly or otherwise, by land or by water, from any place to the port or place of embarkment.

Mode of removal of prisoners, &c.

The writ, order, or warrant of the Supreme Court for China or Japan, or of a Provincial Court in China or Japan, or of the Supreme Court of Hong Kong, or the warrant of the Governor or person administering the government of Hong Kong (as the case may be), by virtue whereof any person is to be taken, shall be sufficient authority to every constable, or other person acting thereunder, and to the commander or master of any vessel of war, or other vessel (whether constable, officer, or other person, or the vessel or the commander or master thereof, is named therein or not), to seize, detain, take, and deliver up such person, according to the writ, order, or warrant.

Where the writ, order, or warrant is executed under the immediate direction of the Court or authority issuing it, the writ, order, or warrant shall be delivered to the constable, or other person acting thereunder, and a duplicate thereof shall be delivered to the commander or master of any vessel to which the person to whom the writ, order, or warrant relates is embarked.

Where the writ, order, or warrant issues from the Supreme Court for China and Japan, and is executed by a Provincial Court in China or Japan,—and where the writ, order, or warrant issues from the Supreme Court of Hong Kong, and is executed by any of Her Majesty's Courts in China or Japan,—a copy

thereof certified under the seal of the Court executing the shall be delivered to the constable, officer, or other person acting thereunder, and to the commander or master of vessel in which the person taken is embarked; and any copy shall be for all purposes conclusive evidence of the Court of which it purports to be a copy.

Expenses of removal of prisoners, &c.

154. Subject to the other provisions of this Order, all expenses of removal of prisoners and others from or to any place in China or Japan, or from or to Hong Kong, and the expense of deportation and of the sending of any person to England, shall be defrayed as the expenses relating to distressed British subjects are defrayed, or in such other manner as one of Her Majesty's Principal Secretaries of State from time to time directs.

Punishment for obstruction or disturbance of Court.

155. If any British subject wilfully obstructs by or threatens an officer of a Court in the performance of his duty, or within or close to the room or place where a Court is sitting wilfully behaves in a violent, threatening, or disrespectful manner, to the disturbance of the Court, or the terror of suitors or others resorting thereto,—

Or wilfully insults the Judge, Assistant Judge, or Law Secretary of the Supreme Court, or any Consular Officer, or any or Assessor, or any clerk or officer of a Court, during his sitting or attendance in Court or in going to or returning from Court.

He shall be liable to be immediately apprehended by or on the part of the Court, and to be detained until the rising of the Court, and to be punished on due inquiry and consideration, to be punished by a fine not exceeding 25 dollars, or imprisonment for any term not exceeding seven days, at the discretion of the Court according to the nature and circumstances of the case.

A minute shall be made and kept of every such case of punishment, recording the facts of the offence and the effect of the punishment; and in the case of a Provincial Court a copy of such minute shall be forthwith sent to the Secretary of the Supreme Court.

Misconduct of Officers of Court.

156. If any clerk or officer of a Court acting under the process or authority of the Court is charged with extortion or with not duly paying any money levied, or with other misconduct, the Court may (without prejudice to any other liability or punishment to which the clerk or officer would in the absence of the present provision be liable) inquire into the charge in summary way, and for that purpose summon and enforce the attendance of all necessary persons in like manner as the attendance of witnesses and others may be enforced in a Court of law, and may make such order thereupon for the repayment of money extorted or for the due payment of any money lawfully

Order for repayment.

or the payment of such damages and costs, as the Court Fine.
 is just; and the Court may also, if it thinks fit, impose
 fine upon the clerk or officer, not exceeding 50 dollars for
 offence, as seems just.

7. Any suit or proceeding shall not be commenced in any Suits for things
 or Majesty's Courts in China or Japan or in any Court in done under
 Hong Kong against any person for anything done or omitted in Order.
 aidance or execution or intended execution of this Order, or of
 Regulation or Rule made under it, unless notice in writing is
 by the intending plaintiff or prosecutor to the intended
 defendant one month at least before the commencement of the
 suit or proceeding, nor unless it is commenced within three
 months next after the act or omission complained of, or in case
 of continuation of damage within three months next after the
 date of such damage has ceased.

The plaintiff in any such suit shall not succeed if tender of
 amount amends is made by the defendant before the com-
 mencement thereof; and if no tender is made the defendant
 may leave of the Court at any time pay into Court such
 sum of money as he thinks fit, whereupon such proceeding
 shall be had and made in and by the Court as may
 be ordered and made on the payment of money into Court in an
 ordinary suit.

XX.—HONG KONG.

3. Where a warrant or order of arrest is issued by any of Backing of
 Majesty's Courts in China or Japan for the apprehension warrant or
 of a British subject who is charged with having committed order.
 the offence within the jurisdiction of the Court issuing
 the warrant or order, and who is or is supposed to be in Hong
 Kong, and the warrant or order is produced to any of Her
 Majesty's Justices of the Peace in and for Hong Kong, such
 Justice may back the warrant or order, and the same when so
 backed shall be sufficient authority to the person to whom the
 warrant or order was originally directed, and also to any con-
 stable or other peace officer in and for Hong Kong, to appre-
 hend the accused in Hong Kong and to carry him to and
 keep him up within the jurisdiction of the Court issuing the
 warrant or order, according to the warrant or order.

9. The Supreme Court of Hong Kong may take cognizance Jurisdiction at
 of offences committed by British subjects within the peninsula Macao.
 of Macao, and of suits originating there, when the party offend-
 ing or the party sued comes or is found within the jurisdiction
 of that Court; but that Court shall not have power to issue
 a warrant or writ to be executed or served within that
 peninsula.

Abolition of
jurisdiction of
Court in China
and Japan.

160. Save as expressly provided by this Order, all jurisdiction and authority of the Supreme Court of Hong Kong exercisable in relation to British subjects resident in or resorting to China or Japan shall, from the commencement of this Order, absolutely cease.

XXI.—REPEALS.

Orders and
Ordinances
repealed.

161. From and immediately after the commencement of this Order, the Orders in Council and Consular Ordinances described in the Schedule to this Order shall be repealed; this repeal shall not affect the past operation of any Order or Ordinance, or any appointment made, or thing done, or right, title, obligation, or liability acquired or accrued thereunder before the commencement of this Order.

XXII.—PENDING PROCEEDINGS.

Savings for
pending pro-
ceedings.

162. Nothing in this Order or in any Rules made under it shall apply to or in any manner affect any suit or proceeding, whether of a civil or of a criminal nature, pending at the commencement of this Order, either with reference to the original proceedings therein, or with reference to any appeal therein, or otherwise, subject, nevertheless, to the following provisions and qualifications:—

- (1.) All suits and proceedings, whether of a civil or criminal nature, instituted or taken before the commencement of this Order in the district of the Consulate of Shanghai, and pending at the commencement of this Order, are hereby transferred to the jurisdiction of the Supreme Court, and the same may be carried on and be tried, heard, and determined in and by the Supreme Court in like manner as nearly as may be in all respects as if the same had been instituted or taken in the district of the Consulate of Shanghai after the commencement of this Order:
- (2.) In any suit or proceeding, whether of a civil or criminal nature, the Court before which the same is pending at the commencement of this Order, after consulting the parties, either of its own motion, or on the application of either party, or by consent, may, if it seems expedient from time to time direct that the procedure and practice prescribed by this Order, or by any Rule made under it, shall be followed in any respect.

Appeals in
pending suits.

163. Nothing in this Order shall take away any right of appeal in any suit of a civil nature pending at the commencement of this Order,—or interfere with the bringing or prosecuting of any appeal in any such suit that might have been brought.

ted if this Order had not been made,—or take away or any jurisdiction, power, or authority of any Court, Officer, or person in relation to any appeal in any such to the execution or enforcement of any judgment, or order made before or after the commencement of this in or respecting any appeal in any such suit;—and, notwithstanding this Order, any appeal in any such suit shall lie y be brought and prosecuted, and any such judgment, or order may be made, executed, and enforced in nner and with the like effect and consequences in all s as if this Order had not been made, subject only qualification,—that in case of any appeal which, if this had not been made, would have lain to or been heard and ned by the Chief Superintendent, or to or by Her Ma- Consul-General in Japan, the same shall lie to and be nd determined by the Supreme Court in a like course edure as nearly as may be in all respects as if this had not been made.

I.—COMMENCEMENT AND PUBLICATION OF ORDER.

This Order shall commence and have effect as follows:— Times of com-
mencement.

As to the making of any warrant or appointment under s Order,—immediately from and after the making of s Order:

As to the framing of Rules by the Judge of the Supreme ourt and the approval thereof by one of Her Majesty's incipal Secretaries of State,—immediately from and after e first appointment under this Order of a Judge of the reme Court:

As to all other matters and provisions comprised and con- ned in this Order,—immediately from and after the ex- ation of one month after this Order is first exhibited in e public office of Her Majesty's Consul at Shanghai; hich purpose Her Majesty's Consul at Shanghai is hereby required forthwith, on receipt by him of a copy of s Order, to affix and exhibit the same conspicuously in e public office, and he is also hereby required to keep e same so affixed and exhibited during one month from e first exhibition thereof; and of the time of such first ibition notice shall, as soon thereafter as practicable, be blished in every Consular District in China and Japan, h such manner as Her Majesty's Ministers there respec- ely direct;

otwithstanding anything in this Order, the time of the on of the said month shall be deemed to be the time of mencement of this Order.

Publication of
Order.

165. A copy of this Order shall be kept exhibited conspicuously in each Court and Consulate in China and in Japan. Printed copies shall be provided and sold at such reasonable price as Her Majesty's Minister in China directs.

And the Right Honourable the Earl Russell, and the Honourable Edward Cardwell, two of Her Majesty's Privy Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein and to them may respectively appertain.

(Signed) EDMUND HARRISON

The SCHEDULE to which the foregoing Order refers

Orders in Council repealed.

CHINA.

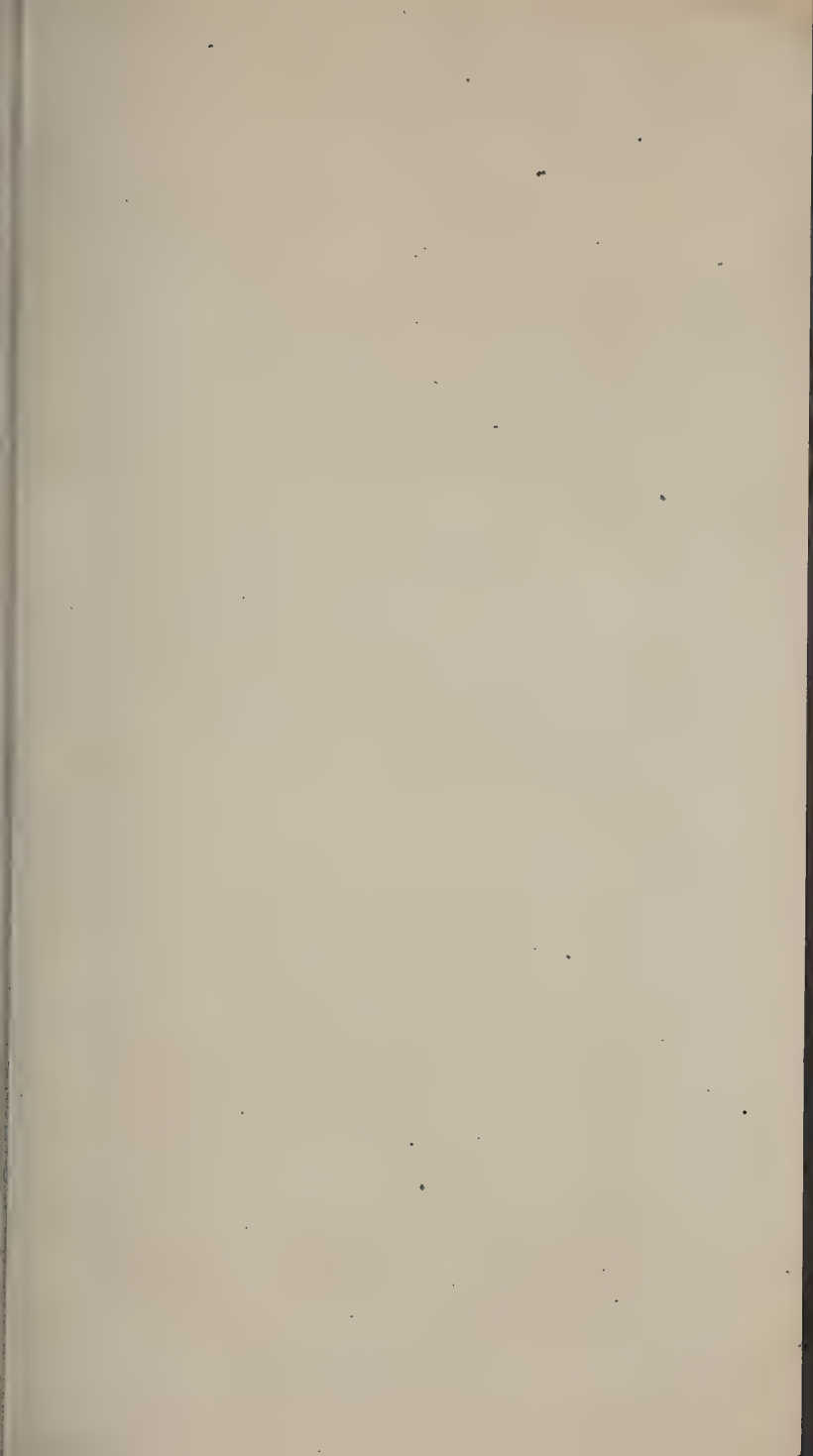
9 DECEMBER 1833 (Two Orders).
4 JANUARY 1843.
24 FEBRUARY 1843.
2 OCTOBER 1843.
17 APRIL 1844.
13 JUNE 1853.
2 FEBRUARY 1857.
3 MARCH 1859.
12 SEPTEMBER 1863.
9 JULY 1864.

JAPAN.

23 JANUARY 1843.
4 FEBRUARY 1843.
12 SEPTEMBER 1843.
7 JANUARY 1844.

Consular Ordinances repealed.

No. 1. 19 JANUARY 1854. Deserters.
No. 2. 31 MARCH 1854. Lunatics; Coroner.
No. 1. 17 JANUARY 1855. Neutrality.
No. 1. 5 MARCH 1856. Insolvents.
No. 2. 29 MAY 1856. Removal of prisoners.



LONDON:

Printed by GEORGE E. EYRE and WILLIAM SPOTTISWODE,
Printers to the Queen's most Excellent Majesty. .
For Her Majesty's Stationery Office.

DENMARK AND GERMANY.

CORRESPONDENCE

RESPECTING THE

AFFAIRS OF THE DUCHIES

OF

HOLSTEIN, LAUENBURG, AND

SCHLESWIG.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Affairs of the Duchies of Holstein, Lauenburg, and Schleswig.

No. 1.

*M. de Bismarck to Count Bernstorff.—(Communicated to Earl Russell by M. Katte,
August 15.)*

(Translation.)

Gastein, August 9, 1864.

YOUR EXCELLENCY will have already received the Preliminaries of Peace which were concluded in Vienna on the 1st of this month, together with the Convention for the suspension of hostilities, since they were despatched from Berlin some days ago. Both documents are now published with the mutual agreement of the three Contracting Powers; and I respectfully request your Excellency to present to the Royal British Secretary of State for Foreign Affairs the accompanying official copy of the same.

Your Excellency will at the same time express to Lord Russell the hope that the Royal British Government will not refuse to recognize the moderation and placability which has been displayed by the two German Powers. During my presence in Vienna Lord Bloomfield expressed to me the wish of his Government that Prussia and Austria should not impose upon the Danish Crown conditions too hard and unbearable. I answered him, that nothing was further from our intentions than an unjust severity, and that we should only make those demands which were the necessary result of the situation. In complete understanding with the Imperial Austrian Government, we have remained true to this purpose; and while, on the one hand, we were obliged to insist upon the entire cession of the three Duchies as an indispensable demand, without which neither the national feeling would have been satisfied, nor the sacrifices justified, to which the obstinacy of the Danish Government forced us; so, on the other hand, we have in all other points beyond this been as compliant as possible with the Danish Government. Even now we only maintained the demand, which we had already had to make at the Conference, after that the Danes themselves had declared that the relation of a personal union was impossible. That now, after the renewal of the war, there could no longer be any question of the cession of a part of the Duchy of Schleswig, which we had formerly regarded as admissible, was not even doubted in Denmark. But we did not go beyond our original demand. We demanded no portions of the Kingdom of Denmark, although we held completely in our hands a large and important province, and without any possibility for the Danes to deprive us of it. The exchange of the Jutland *enclaves* was, under such altered circumstances, suggested by the nature of the things; the continuance of these *enclaves* would have been for both sides a great and hardly bearable inconvenience, and in truth it could not have been considered as an unreasonable demand, if this little direct sacrifice had been demanded from the Kingdom of Denmark, which was only indirectly affected by the cession of the Duchies, and in which in fact the real cause of the war lay. We preferred to allow an exchange to take place, and to give for the *enclaves* a complete compensation in territory; we have even left to Jutland one *enclave*, Ribe, to which the Danish Plenipotentiaries ascribed especial importance, and by an arrangement of the frontier we have made possible its complete union, a concession which was dictated by the wish of sparing the national feeling, which spoke out particularly strong in respect to this ancient Danish possession. Finally, we allowed the perfectly justifiable demand for war expenses which had been mentioned at the Conference to drop, in order not to impose so heavy a burden upon a land which, notwithstanding this, must necessarily go through a financial crisis, which we would wish to lighten for it and help it to get over.

In the above the objects are pointed out which we had in view at the establishment of the Preliminaries of Peace. We did not wish to dismember the ancient and venerable

Danish Monarchy, but to bring about a separation from it of parts with which a further union had become impossible through the force of circumstances and events, and, we must not pass it over in silence, through the fault of the Danish Government. The Danish Monarchy is not imperilled in its existence, not a single condition of its existence is damaged; it has received no wounds which cannot be healed. It now depends upon the Danish Government and the Danish people whether the natural and peaceful relations with its Southern neighbour shall be re-established, and whether unrestrained intercourse shall become a source of well-being and prosperity to both sides.

I respectfully request you to lay these considerations before Earl Russell, and to that end I empower you to communicate to him this despatch.

(Signed)

VON BISMARCK.

Inclosure in No. 1.

Préliminaires de Paix.

Présents :

Pour l'Autriche—

M. le Comte de Rechberg,

M. le Baron de Brenner.

Pour le Danemark—

M. de Quaade,

M. le Colonel de Kauffmann.

Pour la Prusse—

M. de Bismarck.

M. le Baron de Werther.

MM. les Plénipotentiaires de l'Autriche, du Danemark, et de la Prusse, s'étant réunis aujourd'hui en conférence à l'hôtel du Ministère des Affaires Etrangères, après avoir produit leurs pleins-pouvoirs respectifs, qui ont été trouvés en bonne et due forme, sont convenus des Préliminaires de Paix suivants :—

ARTICLE I.

Sa Majesté le Roi de Danemark renonce à tous ses droits sur les Duchés de Slesvig, Holstein, et Lauenbourg, en faveur de Leurs Majestés le Roi de Prusse et l'Empereur d'Autriche, en s'engageant à reconnaître les dispositions que Leurs dites Majestés prendront à l'égard de ces Duchés.

ARTICLE II.

La cession du Duché de Slesvig comprend toutes les Iles appartenant à ce Duché, aussi bien que le territoire situé sur la terre ferme.

Pour simplifier la délimitation, et pour faire cesser les inconvénients qui résultent de la situation des territoires Jutlandais, enclavés dans le territoire du Slesvig, Sa Majesté le Roi de Danemark cède à Leurs Majestés le Roi de Prusse et l'Empereur d'Autriche les possessions Jutlandaises situées au sud de la ligne de frontière méridionale du district de Ribe indiquée sur les cartes géographiques, telles que le territoire Jutlandais de Mögeltondern, l'Ile d'Amrom, les parties Jutlandaises des Iles de Foehr, Sylt, et Roemoe, &c.

Par contre, Leurs Majestés le Roi de Prusse et l'Empereur d'Autriche consentent à ce qu'une portion équivalente du Slesvig, et comprenant outre l'Ile d'Arroe des territoires servant à former la contiguité du district susmentionné de Ribe avec le reste du Jutland, et à corriger la ligne de frontière entre le Jutland et le Slesvig du côté de Kolding, soit détachée du Duché de Slesvig et incorporée dans le Royaume de Danemark. L'Ile d'Arroe n'entrera dans la compensation qu'en raison de son étendue géographique.

Le détail de la délimitation des frontières sera réglé par le Traité de Paix définitif.

ARTICLE III.

Les dettes contractées pour le compte spécial soit du Royaume de Danemark, soit d'un des Duchés de Slesvig, Holstein, et Lauenbourg, resteront respectivement à la charge de chacun de ces pays.

Les dettes contractées pour le compte de la Monarchie Danoise seront réparties entre

le Royaume de Danemark d'une part et les Duchés cédés de l'autre part, d'après la proportion respective de la population des deux parties.

De cette répartition seront exceptés :

1. L'emprunt contracté en Angleterre par le Gouvernement Danois au mois de Décembre 1863, et qui restera à la charge du Royaume de Danemark.

2. Les frais de guerre encourus par les Puissances alliées, dont les Duchés assumeront le remboursement.

ARTICLE IV.

Les Hautes Parties Contractantes s'engagent à établir un armistice sur la base de *l'uti possidetis* militaire à dater du 2 Août, dont les conditions se trouvent spécifiées dans le Protocole ci-annexé.

ARTICLE V.

Aussitôt après la signature de ces Préliminaires de Paix les Hautes Parties Contractantes se réuniront à Vienne pour négocier un Traité de Paix définitif.

Fait à Vienne le 1 Août, 1864.

(L.S.)	(Signé)	VON BISMARCK.
(L.S.)		WERTHER.
(L.S.)		QUAADE.
(L.S.)		KAUFFMANN.
(L.S.)		COMTE DE RECHBERG.
(L.S.)		BRENNER.

Protocole concernant les Conditions de l'Armistice.

EN exécution de l'Article IV des Préliminaires de Paix signés aujourd'hui entre Sa Majesté le Roi de Danemark d'une part et Leurs Majestés le Roi de Prusse et l'Empereur d'Autriche de l'autre, les soussignés Plénipotentiaires réunis en conférence sont convenus des dispositions suivantes :—

1. A dater du 2 Août prochain il y aura une suspension complète d'hostilités par terre et par mer, laquelle durera jusqu'à la conclusion de la paix. Pour le cas où contre toute attente, la négociation de paix n'aboutirait pas jusqu'au 15 Septembre prochain, les hautes Parties Contractantes auront, à partir de ce terme, la faculté de dénoncer l'armistice avec un délai de six semaines.

2. Sa Majesté le Roi de Danemark s'engage à faire lever définitivement les blocus à dater du 2 Août.

3. Leurs Majestés le Roi de Prusse et l'Empereur d'Autriche tout en maintenant l'occupation du Jutland dans les conditions actuelles de *l'uti possidetis*, se déclarent prêts à ne conserver dans ce pays que le nombre de troupes que d'après les considérations purement militaires Leurs dites Majestés jugeront nécessaire.

4. La perception des contributions pour autant qu'elle n'a pas encore été effectuée, est suspendue. Les marchandises ou autres objets qui ont été saisis à titre de ces contributions de guerre, et qui n'auront pas été vendus avant le 3 Août, seront relâchés. De nouvelles levées de contributions ne seront pas ordonnées.

5. L'approvisionnement des troupes alliées aura lieu aux dépens du Jutland conformément aux réglemens d'approvisionnement Prussien et Autrichien en vigueur pour chacune des deux armées alliées sur pied de guerre. Le logement des troupes et des employés à la suite de l'armée, ainsi que les moyens de transport à l'usage de l'armée, seront également fournis aux dépens du Jutland.

6. L'excédant des revenus ordinaires du Jutland, qui se trouvera dans les caisses publiques de ce pays après que les différentes fournitures et prestations précitées auront été payées par ces mêmes caisses aux communes chargés de donner suite aux réquisitions militaires, et après que les dépenses nécessaires à la marche de l'administration auront été défrayées également par les dites caisses, sera restitué soit en espèces, soit en liquidation, au Gouvernement Danois au moment de l'évacuation du Jutland.

7. La paye des troupes alliées, la paye extraordinaire de guerre ("Kriegszulage") y comprise, est exclue des dépenses mises à la charge du Jutland.

8. Les prisonniers de guerre et politiques seront mis en liberté contre l'assurance que les prisonniers de guerre ne serviront plus dans l'armée Danoise avant la conclusion de la paix. La remise en liberté des prisonniers aura lieu le plutôt possible dans les ports de Swinemunde et Lubeck.

9. Les soldats Danois, licenciés pour se rendre en Jutland pendant l'armistice, pourront

sans obstacles quelconques retourner à l'armée Danoise pour le cas de la reprise des hostilités, dès qu'ils auraient été rappelés sous les drapeaux.

Fait à Vienne, le 1 Août, 1864.

(Signé) BISMARCK.
WERTHER.
RECHBERG.
BRENNER.
QUAADE.
KAUFFMANN.

(Translation.)

Preliminaries of Peace.

Present :

For Austria—
Count de Rechberg,
Baron de Brenner.
For Denmark—
M. de Quaade,
Colonel de Kauffmann.
For Prussia—
M. de Bismarck,
Baron de Werther.

THE Plenipotentiaries of Austria, of Denmark, and of Prussia, being met to-day in Conference at the Ministry of Foreign Affairs, after having produced their respective full powers, found in good and due form, have agreed on the following Preliminaries of Peace :—

ARTICLE I.

His Majesty the King of Denmark renounces all his rights over the Duchies of Schleswig, Holstein, and Lauenburg, in favour of their Majesties the King of Prussia and the Emperor of Austria, and engages to recognize the arrangements which their said Majesties may make with regard to those Duchies.

ARTICLE II.

The cession of the Duchy of Schleswig comprises all the islands belonging to that Duchy, as well as the territory situated on the mainland.

To simplify the tracing of the frontier, and to put an end to the inconveniences which result from the situation of the territories belonging to Jutland, inclosed in the territory of Schleswig, His Majesty the King of Denmark cedes to their Majesties the King of Prussia and the Emperor of Austria the possessions belonging to Jutland, situated to the south of the southern line of frontier of the district of Ribe, indicated in the geographical charts, such as the Jute territory of Mögeltondern, the Island of Amrom, the Jute parts of the Islands of Foehr, Sylt, and Roemoe, &c.

On the other hand, their Majesties the King of Prussia and the Emperor of Austria consent that an equivalent portion of Schleswig, comprising, besides the Island of Arroe, territories serving to connect the above-named district of Ribe with the rest of Jutland, and to correct the line of frontier between Jutland and Schleswig on the side of Kolding, shall be detached from the Duchy of Schleswig and incorporated in the Kingdom of Denmark. The Island of Arroe shall only enter into the compensation in the ratio of its geographical extent.

The detail of the tracing of the frontier shall be settled by the definitive Treaty of Peace.

ARTICLE III.

The debts contracted on the special account either of the Kingdom of Denmark or of one of the Duchies of Schleswig, Holstein, and Lauenburg, shall continue to be borne by each of those countries respectively.

The debts contracted on account of the Danish Monarchy shall be divided between the Kingdom of Denmark on the one hand, and the ceded Duchies on the other, according to the respective proportion of the population of the two parts.

From this division shall be excepted—

1. The loan contracted in England by the Danish Government, in the month of December 1863, and which shall remain charged to the Kingdom of Denmark.

2. The war expenses incurred by the Allied Powers, and the reimbursement of which the Duchies shall undertake.

ARTICLE IV.

The High Contracting Parties engage to establish an armistice, on the basis of the military *uti possidetis*, from the 2nd of August, the conditions of which are specified in the annexed Protocol.

ARTICLE V.

Immediately on the signature of these Preliminaries of Peace, the High Contracting Parties shall meet at Vienna, to negotiate a definitive Treaty of Peace.

Done at Vienna, August 1, 1864.

(L.S.)	(Signed)	VON BISMARCK.
(L.S.)		WERTHER.
(L.S.)		QUAADE.
(L.S.)		KAUFFMANN.
(L.S.)		COMTE DE RECHBERG.
(L.S.)		BRENNER.

Protocol concerning the Conditions of the Armistice.

IN execution of Article IV of the Preliminaries of Peace signed to-day between His Majesty the King of Denmark on the one hand, and Their Majesties the King of Prussia and the Emperor of Austria on the other, the undersigned Plenipotentiaries, met in Conference, have agreed on the following arrangements :—

1. From the 2nd of August next there shall be a complete suspension of hostilities by land and sea, which shall last till the conclusion of the peace. In case, contrary to every expectation, the peace negotiations should have no result by the 15th of September next, the High Contracting Parties shall have, from that period, the right of denouncing the armistice at six weeks' notice.

2. His Majesty the King of Denmark engages to cause the blockades to be definitively raised from the 2nd of August.

3. Their Majesties the King of Prussia and the Emperor of Austria while continuing the occupation of Jutland according to the actual conditions of the *uti possidetis*, declare themselves ready to retain in that country no more than the number of troops which their said Majesties may consider necessary on purely military considerations.

4. The levying of contributions is suspended in so far as it has not yet been effected. The merchandize or other objects which have been seized on account of these contributions of war, and which shall not have been sold before the 3rd of August, shall be restored. New levies of contributions shall not be ordered.

5. The provisions of the allied troops shall be supplied at the expense of Jutland, in conformity with the Prussian and Austrian Commissariat arrangements in force for each of the two allied armies on a war footing. The lodging of the troops and of the employés for the army, as well as the means of transport for the use of the army, shall also be furnished at the expense of Jutland.

6. The excess of the ordinary revenues of Jutland, which may remain in the public treasury of that country after the various supplies and contributions above mentioned have been paid by the said treasury to the districts charged with the execution of the military requisitions, and after the necessary expenses for carrying on the administration have been also defrayed by the said treasury, shall be restored to the Danish Government, either in specie or in liquidation, at the moment of the evacuation of Jutland.

7. The pay of the allied troops, including the extra war allowance ("Kriegszulage"), is excluded from the expenses to be borne by Jutland.

8. The prisoners of war and political prisoners shall be set at liberty on the assurance that the prisoners of war will no longer serve in the Danish army before the conclusion of the peace. The liberation of prisoners shall take place as soon as possible at the ports of Swinemünde and Lubeck.

9. Danish soldiers, to whom leave has been granted to go to Jutland during the armistice, may return without hindrance to the Danish army, in case of the resumption of hostilities, as soon as they are recalled to their regiments.

(Signed)

BISMARCK.
WERTHER.
RECHBERG.
BRENNER.
QUAADE.
KAUFMANN.

No. 2.

Earl Russell to Mr. Lowther.

Sir,

Foreign Office, August 20, 1864.

I HAVE received from M. Katte a despatch of M. de Bismarck to Count Bernstorff, together with an official copy of the Preliminaries of Peace signed on the 1st of August at Vienna.

Her Majesty's Government would have preferred a total silence instead of the task of commenting on the conditions of peace. Challenged, however, by M. de Bismarck's invitation to admit the moderation and forbearance of the great German Governments, Her Majesty's Government feel bound not to disguise their own sentiments upon these matters.

Her Majesty's Government have, indeed, from time to time, as events took place, repeatedly declared their opinion that the aggression of Austria and Prussia upon Denmark was unjust, and that the war as urged by Germany against Denmark had not for its groundwork either that justice or that necessity which are the only bases on which war ought to be undertaken.

Considering the war, therefore, to be wholly unnecessary on the part of Germany, they deeply lament that the advantages acquired by successful hostilities should have been used by Austria and Prussia to dismember the Danish Monarchy, which it was the object of the Treaty of 1852 to preserve entire.

Her Majesty's Government are also bound to remark, when the satisfaction of national feelings is referred to, that it appears certain that a considerable number, perhaps 200,000 or 300,000 of the loyal Danish population, are transferred to a German State, and it is to be feared that the complaints hitherto made respecting the attempts to force the language of Denmark upon the German subjects of a Danish Sovereign will be succeeded by complaints of the attempts to force the language of Germany upon the Danish subjects of a German Sovereign.

Her Majesty's Government had hoped that at least the districts to the north of Flensburg would, in pursuance of a suggestion made by the Prussian Plenipotentiary in the Conference of London, have been left under the Danish Crown.

If it is said that force has decided this question, and that the superiority of the arms of Austria and Prussia over those of Denmark was incontestable, the assertion must be admitted. But in that case it is out of place to claim credit for equity and moderation.

Her Majesty's Government see with satisfaction, however, that the wording of the 1st Article fully admits by implication the right of Christian IX to rule over the Duchies of Holstein, Schleswig, and Lauenburg, for if they were not his to hold they could not be his to give away.

In considering this question Her Majesty's Government have always had in view the elements of a solid and durable peace. Even in cases where it is justifiable to depart from the settlements of established and recognized Treaties, it is essential that the new settlement should not partake of the weakness of the old; that when new elements of dominion are combined and new bonds of allegiance are required, nations should be satisfied, and should willingly embrace as permanent the new conditions of peace.

It is in this point of view that Her Majesty's Government are anxious to see the destiny of the Duchies, which are now to be separated from Denmark, speedily and satisfactorily settled. They desire to see the wishes of the people of those Duchies consulted on the choice of their future Sovereign and to see the Duchies receive free constitutional institutions. In this manner alone the welfare and peace of Europe, as well as the future tranquillity of the Duchies, will be secured.

For Her Majesty's Government cannot feel at all secure of the prospects of lasting peace until the wishes of the people of Holstein, Schleswig, and Lauenburg have been fairly

and fully consulted. An arrangement which should set aside those wishes and suppress free institutions would only be a new source of disquiet and disturbance in Europe.

You will read this despatch to M. de Bismarck and give him a copy of it.

I am, &c.

(Signed) RUSSELL.

No. 3.

Mr. Lowther to Earl Russell.—(Received August 29.)

My Lord,

Berlin, August 26, 1864.

I HAVE the honour to acknowledge the receipt this day of your Lordship's despatch of the 20th instant. Having learnt from M. de Balan that the return of M. de Bismarck was uncertain, I read to M. de Balan your Lordship's despatch, and left with him a copy of it, according to the instructions contained in it.

M. de Balan stated that he would not fail to transmit your Lordship's despatch to M. de Bismarck.

While I was reading that sentence in which your Lordship states "that it is to be feared that the complaints hitherto made respecting the attempts to force the language of Denmark upon the German subjects of a Danish Sovereign will be succeeded by complaints of the attempts to force the German language on the Danish subjects of a German Sovereign," M. de Balan observed that such was not their intention, and that the greatest moderation would be used.

M. de Balan made no further remarks, but said your Lordship's despatch should be forwarded to M. de Bismarck.

I have, &c.

(Signed) W. LOWTHER.

Correspondence respecting the Affairs of the Duchies
of Holstein, Lauenburg, and Schleswig.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty.* 1865.

LONDON :

PRINTED BY HARRISON AND SONS,

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CORRESPONDENCE

RESPECTING THE

PROVISIONAL RECOGNITION

OF

A FLAG

FOR THE

DUCHIES OF SCHLESWIG, HOLSTEIN,
AND LAUENBURG.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON :
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Provisional Recognition of a Flag
for the Duchies of Schleswig, Holstein, and Lauenburg.

No. 1.

Count Apponyi to Earl Russell.—(Received February 21.)

M. le Comte,

Londres, le 21 Février, 1865.

LE Gouvernement de Sa Majesté Impériale et Royale Apostolique et celui de Sa Majesté le Roi de Prusse ont résolu d'accorder aux Duchés de Holstein et de Schleswig, jusqu'à leur constitution définitive, un pavillon national provisoire, composé de trois bandes horizontales, bleue, blanche, et rouge, avec un carré jaune sur la bande bleue, près de la hampe.

J'ai été chargé en conséquence, de concert avec mon collègue de Prusse, d'inviter le Gouvernement de Sa Majesté Britannique à reconnaître ce pavillon, et à vouloir bien donner les ordres nécessaires afin qu'il soit reconnu dans tous les ports dépendants de la Couronne d'Angleterre et par toutes les autorités navales Britanniques.

Le Gouvernement Impérial se plaît à espérer que jusqu'à la conclusion de nouveaux Traités de Navigation avec le Gouvernement définitif à instituer dans les Duchés, les bâtiments navigants sous le pavillon national provisoire jouiront des mêmes droits et immunités qui étaient accordés aux navires des Duchés de Holstein, de Schleswig, et de Lauenburg, avant leur séparation du Danemark, par suite des Traités de Commerce et de Navigation existants avec ce Royaume.

En priant votre Excellence de vouloir bien me faire connaître en son temps la suite donnée à ma présente démarche, je saisis, &c.

(Signé) APPONYI.

(Translation.)

M. le Comte,

London, February 21, 1865.

THE Government of His Imperial and Royal Apostolic Majesty, and that of His Majesty the King of Prussia, have resolved on granting to the Duchies of Holstein and Schleswig, until the definitive settlement of their Constitution, a provisional national flag, composed of three horizontal stripes, blue, white, and red, with a yellow square on the blue stripe, next to the flagstaff.

I have been instructed in consequence, in concert with my Prussian colleague, to invite the Government of Her Britannic Majesty to recognise this flag, and to be pleased to grant the necessary orders in order that it may be recognized in all the ports depending on the Crown of England, and by all the British naval authorities.

The Imperial Government indulges in the hope that until the conclusion of fresh Treaties of Navigation with the definitive Government to be instituted in the Duchies, vessels sailing under the provisional national flag will enjoy the same rights and immunities which were granted to the ships of the Duchies of Holstein, Schleswig, and Lauenburg, before their separation from Denmark, in virtue of the Treaties of Commerce and Navigation existing with that kingdom.

Begging your Excellency to be so good as to inform me in due time of the course adopted with regard to my present application, I take, &c.

(Signed) APPONYI.

No. 2.

Count Bernstorff to Earl Russell.—'Received February 21.)

(Translation.)

London, February 21, 1865.

My Lord,

THE Government of the King my gracious Sovereign, in conjunction with the Austrian Government, has determined to grant a provisional national flag to the ships of the Duchies of Schleswig, Holstein, and Lauenburg until the definitive settlement of those territories. This flag will have the colours blue, white, and red, in horizontal stripes, and will be distinguished from the Mecklenburg flag, which has the same colours, by a yellow field placed on the blue field next the flagstaff.

I am instructed, together with the Austrian Ambassador, who will at the same time address a communication to your Excellency, to propose this provisional flag for recognition to the Government of Her Majesty the Queen, &c., and at the same time to express the hope of His Majesty's Government that the British Government will grant to the ships bearing this flag the same rights which belonged to the ships of the aforesaid three Duchies until their separation from Denmark, on the ground of the Commerce and Navigation Treaties concluded by that Power with England.

I have, &c.
(Signed) BERNSTORFF.

No. 3.

*Earl Russell to Lord Napier.**

Foreign Office, March 8, 1865.

My Lord,

I INCLOSE herewith to your Excellency a copy of a note which was addressed to me on the 21st ultimo by the Prussian Ambassador at this Court,† stating that the Governments of Austria and Prussia had determined to grant a provisional national flag to the Duchies of Schleswig, Holstein, and Lauenburg until the definitive settlement of the Constitution of those territories, and proposing that Her Majesty's Government should recognize the flag in question, and should grant to ships bearing it the same rights which were accorded to the ships of the Duchies previously to their separation from Denmark. A similar communication was addressed to me by the Austrian Ambassador.

I have to instruct you to state to the Minister for Foreign Affairs that Her Majesty's Government have fully considered this proposal, and that they are prepared to recognize the flag provisionally, saving the rights of the States of Holstein and Schleswig and of the German Confederation, and only till the definitive Constitution of the Duchies concerned.

I am, &c.
(Signed) RUSSELL.

* A similar despatch was addressed to Mr. Bonar.

† No. 2.

Correspondence respecting the Provisional
Recognition of a Flag for the Duchies of
Schleswig, Holstein, and Lauenburg.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1865.*

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DESPATCH

FROM

M. DROUYN DE LHUYS

TO THE

PRINCE DE LA TOUR D'AUVERGNE.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Despatch from M. Drouyn de Lhuys to the Prince de la Tour d'Auvergne.

M. Drouyn de Lhuys to Prince de la Tour d'Auvergne.—(Communicated to Earl Russell by Prince de la Tour d'Auvergne, April 18.)

Prince,

Paris, le 8 Avril, 1865.

Il y a peu de jours, pendant que le Premier Ministre de Sa Majesté Britannique rendait un éclatant témoignage dans la Chambre des Communes, à la mémoire de Richard Cobden, un orateur du Gouvernement de l'Empereur exprimait les regrets que la mort de cet homme illustre provoquait en France, et le Corps Législatif s'associait à cet hommage par un mouvement unanime.

Une manifestation aussi honorable pour les deux nations et pour le personnage dont l'Angleterre déplore la perte n'aura pas échappé à votre attention et vous aurez déjà eu peut-être l'occasion de vous en entretenir avec les Ministres de la Reine. Je désire toutefois, Prince, vous mettre en mesure de leur exprimer officiellement la sympathie douloureuse et vraiment nationale qu'a excitée de ce côté-ci du Détroit, la mort aussi regrettable que prématurée de Richard Cobden.

Cet infatigable promoteur de la liberté dans le domaine du commerce et de l'industrie n'a pas été seulement la preuve vivante de ce que peuvent le mérite, la persévérance, et le travail ; un des modèles les plus accomplis de ces hommes qui, partis des rangs les plus modestes de la société, s'élèvent jusqu'au plus haut degré de la considération publique par l'effet de leur valeur propre et de leurs services personnels ; enfin, un des types les plus rares des solides qualités inhérentes au caractère Anglais : il est surtout, à nos yeux, le représentant de ces sentiments et de ces principes cosmopolites devant lesquels disparaissent les frontières et les rivalités nationales ; tout en étant essentiellement de son pays, il était davantage encore de son temps ; il avait l'intelligence de ce que peuvent, de nos jours, pour la prospérité des peuples, les relations mutuelles ; Cobden était, s'il est permis de le dire, un personnage international.

Il est des lumières et des aptitudes qui ne sont données qu'à ceux qui ont éprouvé, à l'origine de leur carrière, les embarras et les difficultés de la vie, qui ont eu à lutter contre les nécessités d'une position moins que modeste. Richard Cobden avait été élevé à cette dure mais fortifiante école ; il y avait puisé, comme la meilleure préparation aux connaissances économiques, le don de compatir aux souffrances des classes laborieuses, au sein desquelles il avait vécu ; il en comprenait d'autant mieux les misères qu'il les avait partagées, et en éprouvant le besoin de les soulager il avait été naturellement amené à en chercher les moyens, d'abord dans l'abrogation des lois sur les céréales en Angleterre, puis dans la suppression et dans l'abaissement des barrières que les diverses législations élevaient entre les peuples. Certes, Cobden n'a créé aucun des principes de la liberté industrielle et commerciale ; ils avaient été professés et propagés avant lui, par des théoriciens éminents en Angleterre et en France. Mais sa gloire est d'en avoir poursuivi l'application pratique au dehors comme au dedans de son pays, avec une ardeur et un dévouement sans pareil.

Exempt des préjugés nationaux, comme de ceux d'éducation et de caste, Richard Cobden apportait dans la poursuite des réformes qu'il jugeait utiles à son pays et profitables à l'humanité, un désintéressement et une sincérité que l'on ne peut qu'honorer, alors même que l'on est obligé de reconnaître que toutes ces vues n'étaient pas également praticables.

Pour nous, nous ne saurions oublier la part considérable qu'il a eue dans le mouvement d'opinion qui a préparé et dans les négociations qui ont amené le Traité de Commerce existant aujourd'hui entre la France et l'Angleterre. Cet acte important, dont l'expérience a déjà consacré les bons résultats et dont les dispositions libérales sont de jour en jour adoptées par les autres Puissances de l'Europe, aura non seulement pour effet de développer

les intérêts matériels entre l'Angleterre et la France, mais il concourra puissamment encore à raffermir leurs relations amicales ; c'était le double vœu de Richard Cobden.

Il aimait et comprenait la France mieux que personne, et considérait comme un des plus grands intérêts de son pays et de l'humanité, le maintien de rapports pacifiques entre les deux nations qui, suivant l'expression récemment employée par un des membres du Cabinet Anglais, marchent à la tête du monde.

Vous voudrez bien, Prince, faire connaître au Premier Ministre et au Principal Secrétaire d'Etat de Sa Majesté Britannique les sentiments exprimés dans cette dépêche, et qu'ils accueilleront, je n'en doute pas, avec un empressement égal à celui qui les a dictés.

Agréé, &c.
(Signé) DROUYN DE LHUYS.

(Translation.)

Prince,

Paris, April 8, 1865.

A FEW days since, while the Prime Minister of Her Britannic Majesty was bearing brilliant testimony in the House of Commons to the memory of Richard Cobden, a speaker belonging to the Government of the Emperor expressed the regrets which the death of this illustrious man called forth in France, and the Legislative Body identified themselves with this homage by a common impulse.

A manifestation so honourable to the two nations, and to the person whose loss England deplores, will not have escaped your attention ; and you will perhaps already have had occasion to communicate thereupon with the Ministers of the Queen. Nevertheless, I desire, Prince, to place you in a position to express to them officially the mournful and truly national sympathy which the death, as lamented as premature, of Richard Cobden has excited on this side of the Channel.

That indefatigable promoter of liberty in the domain of commerce and manufactures was not only the living proof of what merit, perseverance, and labour can effect ; one of the most perfect examples of those men who, having their origin in the most humble ranks of society, raise themselves to the highest rank in public esteem through their own worth and their personal services ; finally, one of the rarest examples of the solid qualities inherent in the English character : he is, above all, in our eyes, the representative of those sentiments and those cosmopolite principles before which national boundaries and rivalries disappear. While essentially of his country, he was still more of his time : he comprehended what mutual relations could effect in our day for the prosperity of nationalities. Cobden was, if the expression be allowed, an "international" man.

There are intelligences and aptitudes which are only given to those who, in the outset of their career, have experienced the embarrassments and the difficulties of life, who have had to contend against the necessities of a position somewhat less than humble. Richard Cobden had been brought up in this trying, but strengthening school. He thence acquired, as the best preparation for a knowledge of political economy, the gift of sympathy with the sufferings of the laborious classes in the midst of whom he had lived ; he the better understood their wretchedness from having shared it with them ; and, in feeling the need of alleviating it, he was naturally led to seek the means of doing so—firstly, in the abolition of the Corn Laws in England ; then in the suppression and lowering of the barriers which various laws had raised between peoples. Certainly Cobden did not create any of the principles of industrial and commercial liberty. They had been professed and propagated before him by eminent theorists in England and France. But his glory is to have followed up the practical application of them, beyond as well as within, with an ardour and devotedness unparalleled.

Exempt from national prejudices, as from those of education and caste, Richard Cobden brought to the pursuit of reforms which he judged useful to his country and profitable to humanity a disinterestedness and a sincerity which one cannot but honour, even whilst one is obliged to admit that all his views were not equally practicable.

For ourselves, we cannot forget the considerable part which he took in the change of opinions which prepared, and in the negotiations which led to, the Treaty of Commerce now existing between France and England. This important act, the good results of which experience has already consecrated, and the liberal provisions of which are from day to day adopted by other Powers of Europe, will have for effect not only the development of the material interests between England and France, but it will also assist powerfully in strengthening their friendly relations. This was the double object of Richard Cobden. He loved and understood France better than any other person, and considered as one of the greatest interests of his country and humanity the maintenance of peaceful relations

between the two nations which, according to the expression recently used by a member of the English Cabinet, march at the head of the world.

You will have the goodness, Prince, to acquaint the Prime Minister and the Principal Secretary of State of Her Britannic Majesty with the sentiments expressed in this despatch, and which they will receive, I doubt not, in the same spirit which has dictated them.

Receive, &c.

(Signed)

DROUYN DE LHUYS.

Despatch from M. Drouyn de Lhuys to
the Prince de la Tour d'Auvergne.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1865.*

LONDON:
PRINTED BY HARRISON AND SONS.

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ACCESSION

OF THE

BRITISH GOVERNMENT

TO THE

CONVENTION SIGNED AT GENEVA, AUGUST 22, 1864.

FOR THE

AMELIORATION OF THE CONDITION

OF THE

WOUNDED IN ARMIES IN THE FIELD.

Signed at London, February 18, 1865.

AND ACCEPTANCE THEREOF.

Signed at Berne, March 3, 1865.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.



ACCESSION of the British Government to the Convention signed at Geneva, August 22, 1864, for the Amelioration of the Condition of the Wounded in Armies in the Field.

Signed at London, February 18, 1865.

and Acceptance thereof by the Swiss Confederation in the name of all the Contracting Parties.

Signed at Berne, March 3, 1865.

THE President and Federal Council of the Swiss Confederation having communicated to the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, a Convention signed at Geneva on the 22nd of August, 1864, between the Swiss Confederation, His Royal Highness the Grand Duke of Baden, His Majesty the King of Belgium, His Majesty the King of Denmark, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, His Royal Highness the Grand Duke of Hesse, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, His Majesty the King of Prussia, and His Majesty the King of Wurtemberg, for the amelioration of the condition of the wounded in armies in the field, the Convention is word for word as follows :—

Convention pour l'Amélioration du Sort des Militaires blessés dans les Armées en Campagne.

LA Confédération Suisse ; Son Altesse Royale le Grand-Duc de Bade ; Sa Majesté le Roi des Belges ; Sa Majesté le Roi de Danemark ; Sa Majesté la Reine d'Espagne ; Sa Majesté l'Empereur des Français ; Son Altesse Royale le Grand-Duc de Hesse ; Sa Majesté le Roi d'Italie ; Sa Majesté le Roi des Pays-Bas ; Sa Majesté le Roi de Portugal et des Algarves ; Sa Majesté le Roi de Prusse ; Sa Majesté le Roi de Wurtemberg,—également animés du désir d'adoucir, autant qu'il dépend d'eux, les maux inséparables de la guerre, et d'apprimer les rigueurs inutiles, et d'améliorer le sort des militaires blessés sur les champs de bataille, ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs plénipotentiaires, savoir :—

De la Confédération Suisse, le Sieur Guillaume-Henri Dufour, Grand Officier de l'Ordre de la Légion d'Honneur, Général-en-chef de l'Armée Fédérale, Membre du Conseil Fédéral ; le Sieur Gustave Moynier, Président du Comité International de Secours pour les Militaires blessés et de la Société Genevoise d'utilité publique ; et le Sieur Samuel Schenck, Colonel Fédéral, Médecin-en-chef de l'Armée Fédérale, Membre du Conseil Fédéral ;

Son Altesse Royale le Grand-Duc de Bade, le Sieur Robert Volz, Chevalier de l'Ordre de Zähringen, Docteur en Médecine, Conseiller Médical à la Direction des Affaires Militaires ; et le Sieur Adolphe Steiner, Chevalier de l'Ordre du Lion de Zähringen, Capitaine-Major ;

Sa Majesté le Roi des Belges, le Sieur Auguste Visschers, Officier de l'Ordre de Léopold, Conseiller au Conseil des Mines ;

Sa Majesté le Roi de Danemark, le Sieur Charles-Emile Fenger, Commandeur de l'Ordre de Danebrog, décoré de la Croix d'Argent du même Ordre, Grand-Croix de l'Ordre de Léopold de Belgique, &c., &c., Son Conseiller d'Etat ;

Sa Majesté la Reine d'Espagne, le Sieur Don José Heriberto Garcia de Quevedo, Membre de Sa Chambre avec exercice, Chevalier Grand-Croix d'Isabelle la Catholique, Grand-Croix numéraire de l'Ordre de Charles III, Chevalier de première classe de l'Ordre

Royal et Militaire de St. Ferdinand, Officier de la Légion d'Honneur de France, Son Ministre Résident auprès de la Confédération Suisse ;

Sa Majesté l'Empereur des Français, le Sieur Georges-Charles Jagerschmidt, Officier de l'Ordre Impérial de la Légion d'Honneur, Officier de l'Ordre de Léopold de Belgique, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de troisième classe, &c., &c., Sous-Directeur au Ministère des Affaires Etrangères ; le Sieur Henri-Eugène-Séguineau de Préval, Chevalier de l'Ordre Impérial de la Légion d'Honneur, décoré de l'Ordre Impérial du Medjidié de quatrième classe, Chevalier de l'Ordre des Saints Maurice et Lazare d'Italie, &c., &c., Sous-Intendant militaire de première classe ; et le Sieur Martin-François Boudier, Officier de l'Ordre Impérial de la Légion d'Honneur, décoré de l'Ordre Impérial du Medjidié de quatrième classe, décoré de la médaille de la valeur militaire d'Italie, &c., &c., Médecin principal de deuxième classe ;

Son Altesse Royale le Grand-Duc de Hesse, le Sieur Charles-Auguste Brodrick, Chevalier de l'Ordre de Philippe le Magnanime, de l'Ordre de St. Michel de Bavière, Officier de l'Ordre Royal du St. Sauveur, &c., &c., Chef de bataillon d'Etat-Major ;

Sa Majesté le Roi d'Italie, le Sieur Jean Capello, Chevalier de l'Ordre des Saints Maurice et Lazare, Son Consul-Général en Suisse ; et le Sieur Félix Baroffio, Chevalier de l'Ordre des Saints Maurice et Lazare, Médecin de Division ;

Sa Majesté le Roi des Pays-Bas, le Sieur Bernard-Ortuinus-Théodore-Henri Westenberg, Officier de Son Ordre de la Couronne de Chêne, Chevalier des Ordres de Charles I d'Espagne, de la Couronne de Prusse, d'Adolphe de Nassau, Docteur en Droit, Secrétaire de Légation à Francfort ;

Sa Majesté le Roi de Portugal et des Algarves, le Sieur José-Antonio Marques, Chevalier de l'Ordre du Christ, de Notre Dame de la Conception de Villa-Viçosa, de Saint Benoit d'Aviz, de Léopold de Belgique, &c., Docteur en Médecine et Chirurgie, Chirurgien de Brigade, Sous-Chef du Département de Santé au Ministère de la Guerre ;

Sa Majesté le Roi de Prusse, le Sieur Charles-Albert de Kamptz, Chevalier de l'Ordre de l'Aigle Rouge de seconde classe, &c., &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Confédération Suisse, Conseiller intime de Légation ; le Sieur Godefroi-Frédéric-François Loeffler, Chevalier de l'Ordre de l'Aigle Rouge de troisième classe, &c., &c., Docteur en Médecine, Médecin-Général du Quatrième Corps d'Armée ; le Sieur Georges-Hermann-Jules Ritter, Chevalier de l'Ordre de la Couronne de troisième classe, &c., &c., Conseiller intime au Ministère de la Guerre ;

Sa Majesté le Roi de Wurtemberg, le Sieur Christophe-Ulric Hahn, Chevalier de l'Ordre des Saints Maurice et Lazare, &c., Docteur en Philosophie et Théologie, Membre de la Direction Centrale et Royale pour les Etablissements de Bienfaisance ;

Lesquels, après avoir échangé leurs pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Les ambulances et les hôpitaux militaires seront reconnus neutres, et, comme tels, protégés et respectés par les belligérants aussi longtemps qu'il s'y trouvera des malades et des blessés.

La neutralité cesserait si ces ambulances ou ces hôpitaux étaient gardés par une force militaire.

ARTICLE II.

Le personnel des hôpitaux et des ambulances, comprenant l'intendance, les services de santé, d'administration, de transport des blessés, ainsi que les aumôniers, participent au bénéfice de la neutralité lorsqu'il fonctionnera, et tant qu'il restera des blessés à relever et à secourir.

ARTICLE III.

Les personnes désignées dans l'Article précédent pourront, même après l'occupation par l'ennemi, continuer à remplir leurs fonctions dans l'hôpital ou l'ambulance qu'ils desservent, ou se retirer pour rejoindre le corps auquel elles appartiennent.

Dans ces circonstances, lorsque ces personnes cesseront leurs fonctions, elles seront remises aux avant-postes ennemis, par les soins de l'armée occupante.

ARTICLE IV.

Le matériel des hôpitaux militaires demeurant soumis aux lois de la guerre, les personnes attachées à ces hôpitaux ne pourront, en se retirant, emporter que les objets qui sont leur propriété particulière.

Dans les mêmes circonstances, au contraire, l'ambulance conservera son matériel.

ARTICLE V.

Les habitants du pays qui porteront secours aux blessés seront respectés, et demeureront libres. Les Généraux des Puissances belligérantes auront pour mission de prévenir les habitants de l'appel fait à leur humanité, et de la neutralité qui en sera la conséquence.

Tout blessé recueilli et soigné dans une maison y servira de sauvegarde. L'habitant qui aura recueilli chez lui des blessés sera dispensé du logement des troupes, ainsi que d'une partie des contributions de guerre qui seraient imposées.

ARTICLE VI.

Les militaires blessés ou malades seront recueillis et soignés, à quelque nation qu'ils appartiendront.

Les Commandants en chef auront la faculté de remettre immédiatement aux avant-postes ennemis, les militaires blessés pendant le combat, lorsque les circonstances le permettront, et du consentement des deux partis.

Seront renvoyés dans leurs pays ceux qui, après guérison, seront reconnus incapables de servir.

Les autres pourront être également renvoyés, à la condition de ne pas reprendre les armes pendant la durée de la guerre.

Les évacuations, avec le personnel qui les dirige, seront couvertes par une neutralité absolue.

ARTICLE VII.

Un drapeau distinctif et uniforme sera adopté pour les hôpitaux, les ambulances, et les évacuations. Il devra être, en toute circonstance, accompagné du drapeau national.

Un brassard sera également admis pour le personnel neutralisé, mais la délivrance en sera laissée à l'autorité militaire.

Le drapeau et le brassard porteront croix rouge sur fond blanc.

ARTICLE VIII.

Les détails d'exécution de la présente Convention seront réglés par les Commandants-en-chef des armées belligérantes, d'après les instructions de leurs Gouvernements respectifs, et conformément aux principes généraux énoncés dans cette Convention.

ARTICLE IX.

Les Hautes Puissances Contractantes sont convenues de communiquer la présente Convention aux Gouvernements qui n'ont pu envoyer des Plénipotentiaires à la Conférence internationale de Genève, en les invitant à y accéder; le Protocole est à cet effet laissé ouvert.

ARTICLE X.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Berne, dans l'espace de quatre mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Genève, le vingt-deuxième jour du mois d'Août, de l'an mil huit cent soixante-quatre.

(L.S.)	(Signé)	Général G. H. DUFOUR.
(L.S.)		G. MOYNIER.
(L.S.)		DR. LEHMANN.
(L.S.)		DR. ROBERT VOLZ.
(L.S.)		STEINER.
(L.S.)		VISSCHERS.
(L.S.)		FENGER.
(L.S.)		J. HERIBERTO GARCIA DE QUEVEDO.
(L.S.)		CH. JAGERSCHMIDT.
(L.S.)		S. DE PREVAL.
(L.S.)		BOUDIER.
(L.S.)		BRODRUCK.
(L.S.)		CAPELLO.
(L.S.)		F. BAROFFIO.
(L.S.)		WESTENBERG.
(L.S.)		JOSE ANTONIO MARQUES.
(L.S.)		DE KAMPTZ.
(L.S.)		LCEFFLER.
(L.S.)		RITTER.
(L.S.)		DR. HAHN.

(Translation.)

Convention for the Amelioration of the Condition of Soldiers wounded in Armies in the Field.

THE Swiss Confederation, His Royal Highness the Grand Duke of Baden, His Majesty the King of the Belgians, His Majesty the King of Denmark, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, His Royal Highness the Grand Duke of Hesse, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, His Majesty the King of Prussia, His Majesty the King of Wurtemberg, being equally animated by the desire to mitigate, as far as depends upon them, the evils inseparable from war, to suppress useless severities, and to ameliorate the condition of soldiers wounded on the field of battle, have resolved to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say :—

The Swiss Confederation, the Sieur William Henry Dufour, Grand Officer of the Imperial Order of the Legion of Honour, General-in-chief of the Federal Army, member of the Council of the States; the Sieur Gustavus Moynier, President of the International Committee of Assistance for wounded Soldiers, and of the Genevese Society of Public Utility; and the Sieur Samuel Lehmann, a Federal Colonel, Physician-in-chief of the Federal Army, a member of the National Council;

His Royal Highness the Grand Duke of Baden, the Sieur Robert Volz, Knight of the Order of the Lion of Zæhringen, Doctor of Medicine, Medical Councillor in the Direction of Medical Affairs; and the Sieur Adolphus Steiner, Knight of the Order of the Lion of Zæhringen, Physician Major;

His Majesty the King of the Belgians, the Sieur Augustus Visschers, Officer of the Order of Leopold, a member of the Council of Mines;

His Majesty the King of Denmark, the Sieur Charles Emilius Fenger, Commander of the Order of Danebrog, decorated with the Silver Cross of the same Order, Grand Cross of the Order of Leopold of Belgium, &c., &c., his Councillor of State;

Her Majesty the Queen of Spain, the Sieur Don José Heriberto Garcia de Quevedo, Actual Gentleman of her Chamber, Knight Grand Cross of Isabella the Catholic, Commander of the fixed number of the Order of Charles III, Knight of the first class of the Royal and Military Order of St. Ferdinand, Officer of the Legion of Honour of France, her Minister Resident to the Swiss Confederation;

His Majesty the Emperor of the French, the Sieur George Charles Jagerschmidt, Officer of the Imperial Order of the Legion of Honour, Officer of the Order of Leopold of Belgium, Knight of the Order of the Red Eagle of Prussia of the third class, &c., &c., Sub-Director in the Department for Foreign Affairs; the Sieur Henry Eugène Segueineau de Préval, Knight of the Imperial Order of the Legion of Honour, decorated with the Imperial Order of the Medjidie of the fourth class, Knight of the Order of St. Maurice and St. Lazarus of Italy, &c., Military Sub-Intendant of the first class; and the Sieur Martin Francis Boudier, Officer of the Imperial Order of the Legion of Honour, decorated with the Imperial Order of the Medjidie of the fourth class, decorated with the medal for military valour of Italy, &c., &c., Principal Physician of the second class;

His Royal Highness the Grand Duke of Hesse, the Sieur Charles Augustus Brodruck, Knight of the Order of Philip the Magnanimous, of the Order of St. Michael of Bavaria, Officer of the Royal Order of the Holy Redeemer, &c., &c., Commandant of a battalion of the Staff;

His Majesty the King of Italy, the Sieur John Capello, Knight of the Order of St. Maurice and St. Lazarus, His Consul-General in Switzerland; and the Sieur Felix Baroffio, Knight of the Order of St. Maurice and St. Lazarus, Physician of Division;

His Majesty the King of the Netherlands, the Sieur Bernard Ortuinus Theodore Henry Westenberg, Officer of His Order of the Oaken Crown, Knight of the Orders of Charles III of Spain, of the Crown of Prussia, of Adolphus of Nassau, Doctor of Laws, His Secretary of Legation at Frankfort;

His Majesty the King of Portugal and the Algarves, the Sieur José Antonio Marques, Knight of the Order of Christ, of Our Lady of the Conception of Villa-Viçosa, of St. Benedict of Aviz, of Leopold of Belgium, &c., Doctor of Medicine and Surgery, Surgeon of Brigade, Sub-Chief of the Department of Health in the Ministry of War;

His Majesty the King of Prussia, the Sieur Charles Albert de Kamptz, Knight of the Order of the Red Eagle of the second class, &c., &c., &c., His Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation, Privy Councillor of Legation; the Sieur Godfrey Frederick Francis Loeffler, Knight of the Order of the Red Eagle of the third class, &c., &c., Doctor of Medicine, Physician-General of the fourth Corps d'Armée; and

the Sieur George Hermann Julius Ritter, Knight of the Order of the Crown of the third class, &c., &c., Privy Councillor in the Ministry of War;

His Majesty the King of Wurtemberg, the Sieur Christopher Ulric Hahn Knight of the Order of St. Maurice and St. Lazarus, &c., Doctor of Philosophy and Theology, Member of the Central and Royal Direction for Establishments of Beneficence;

Who, after having exchanged their powers, found in good and due form, have agreed upon the following Articles :—

ARTICLE I.

Ambulances and military hospitals shall be acknowledged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

ARTICLE II.

Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality whilst so employed, and so long as there remain any wounded to bring in or to succour.

ARTICLE III.

The persons designated in the preceding Article may, even after occupation by the enemy, continue to fulfil their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Under such circumstances, when those persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

ARTICLE IV.

As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

ARTICLE V.

Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The Generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

ARTICLE VI.

Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders-in-chief shall have the power to deliver immediately to the outposts of the enemy soldiers who have been wounded in an engagement, when circumstances permit this to be done, and with the consent of both parties.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

ARTICLE VII.

A distinctive and uniform flag shall be adopted for hospitals, ambulances, and evacuations. It must, on every occasion, be accompanied by the national flag. An arm-badge (*brassard*) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

The flag and the arm-badge shall bear a red cross on a white ground.

ARTICLE VIII.

The details of execution of the present Convention shall be regulated by the Commanders-in-chief of belligerent armies, according to the instructions of their respective Governments, and in conformity with the general principles laid down in this Convention.

ARTICLE IX.

The High Contracting Powers have agreed to communicate the present Convention to those Governments which have not found it convenient to send Plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the Protocol is for that purpose left open.

ARTICLE X.

The present Convention shall be ratified, and the ratifications shall be exchanged at Berne in four months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Geneva, the twenty-second day of August, one thousand eight hundred and sixty-four.

(L.S.)	(Signed)	General G. H. DUFOUR.
(L.S.)		G. MOYNIER.
(L.S.)		DR. LEHMANN.
(L.S.)		DR ROBERT VOLZ.
(L.S.)		STEINER.
(L.S.)		VISSCHERS.
(L.S.)		FENGER.
(L.S.)		J. HERIBERTO GARCIA DE QUEVEDO.
(L.S.)		CH. JAGERSCHMIDT.
(L.S.)		S. DE PREVAL.
(L.S.)		BOUDIER.
(L.S.)		BRODRUCK.
(L.S.)		CAPELLO.
(L.S.)		F. BAROFFIO.
(L.S.)		WESTENBERG.
(L.S.)		JOSE ANTONIO MARQUES.
(L.S.)		DE KAMPTZ.
(L.S.)		LÖEFFLER.
(L.S.)		RITTER.
(L.S.)		DR. HAHN.

And the Swiss Confederation having, in virtue of Article IX of the said Convention, invited the Government of Her Britannic Majesty to accede thereto;

The Undersigned, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, duly authorized for that purpose, hereby declares that the Government of Her Britannic Majesty fully accedes to the Convention aforesaid.

In witness whereof he has signed the present Act of Accession, and has affixed thereto the seal of his arms.

Done at London, the eighteenth day of February, in the year of Our Lord one thousand eight hundred and sixty-five.

(L.S.) RUSSELL.

ACT OF ACCEPTANCE.

Le Conseil Fédéral de la Confédération Suisse :

Vu l'Acte signé à Londres le 18 Février, 1865, par lequel son Excellence le Ministre des Affaires Etrangères de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, faisant usage de la faculté réservée à l'Article IX de la Convention Internationale conclu à Genève le 22 Août, 1864, pour l'amélioration du sort des militaires blessés dans les armées en campagne, déclare que le Gouvernement de Sa Majesté Britannique adhère entièrement à cette Convention; acte d'adhésion dont la teneur suit :—

(Here follows the Act of Accession.)

Déclare par les présentes :

En vertu de la disposition finale du procès-verbal d'échange des ratifications de la dite Convention, signé à Berne le vingt-deux Décembre, mil huit cent soixante-quatre, accepter cette adhésion tant au nom de la Confédération Suisse qu'en celui des autres hauts Etats Contractants, auxquels en est donné acte par la présente Déclaration.

En foi de quoi les présentes ont été signées par le Président et le Chancelier de la Confédération, et munis du sceau du Conseil Fédéral, à Berne, le 3 Mars, 1865.

Au nom du Conseil Fédéral Suisse,

Le Président de la Confédération,

(L.S.)

SCHENK.

Le Chancelier de la Confédération,

SCHIESS.

(Translation.)

The Federal Council of the Swiss Confederation :

Having seen the Act signed at London on the 18th of February, 1865, whereby his Excellency the Minister for Foreign Affairs of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, in exercise of the power reserved by Article IX of the international Convention concluded at Geneva on the 22nd of August, 1864, for the amelioration of the condition of soldiers wounded in armies in the field, declares that the Government of Her Britannic Majesty fully accedes to that Convention ; which Act of Accession is as follows :—

(Here follows the Act of Accession.)

Declares by these presents :—

In virtue of the final stipulation of the procès-verbal of the exchange of the ratifications of the said Convention, signed at Berne on the twenty-second of December, one thousand eight hundred and sixty-four, that the Federal Council accepts such Accession, as well in the name of the Swiss Confederation as in that of the other High Contracting Parties, to whom official communication thereof is given by the present Declaration.

In witness whereof these presents have been signed by the President and the Chancellor of the Confederation, and furnished with the seal of the Federal Council, at Berne the 3rd of March, 1865.

In the name of the Swiss Federal Council,

The President of the Confederation,

(L.S.)

SCHENK.

The Chancellor of the Confederation,

SCHIESS.

ACCESSION of the British Government to
the Convention signed at Geneva,
August 22, 1864, for the Amelioration
of the Condition of the Wounded in
Armies in the Field.

Signed at London, February 18, 1865.

And Acceptance thereof by the Swiss
Confederation in the name of all the
Contracting Parties.

Signed at Berne, March 3, 1865.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

CORRESPONDENCE

RELATIVE TO THE

A F F A I R S O F G R E E C E .

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence relative to the Affairs of Greece.

No. 1.

Mr. Erskine to Earl Russell.—(Received September 9.)

(Extract.)

Athens, September 1, 1864.

COUNT SPONNECK called upon me this afternoon to request that I would appeal to your Lordship to use the great and legitimate influence possessed by Her Majesty's Government in this country, for the purpose of inducing the National Assembly, and especially the so-called "English Party," to proceed with the discussion of the Constitution without unnecessary delay.

I told Count Sponneck that I should, as in duty bound, convey his message to your Lordship, but that I was anxious that he should understand, once for all, that neither Her Majesty's Government nor their Representative here had any desire to create or uphold an English party in Greece, and that if your Lordship should see fit to authorise me in the name of Her Majesty's Government to make an appeal to such members of the Assembly as happened to be known to me, it would be addressed to no fraction in particular, but to all persons in the Assembly who had the good of their country at heart.

No. 2.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, September 19, 1864.

I HAVE received your despatch of the 1st instant, reporting the request of Count Sponneck that Her Majesty's Government would exert their influence with the National Assembly, and especially with the so-called "English party," to induce them to proceed with the discussion of the Constitution without unnecessary delay.

You will state to Count Sponneck that Her Majesty's Government have no relations with any political party in Greece, and only wish to act in concert with France and Russia in the general interests of Greece.

But as regards the request made by Count Sponneck for the exertion of English influence on the National Assembly, you will say that although Her Majesty's Government would not object to Her Majesty's Representative expressing to any Deputies who may speak to him on public affairs an opinion in favour of an early settlement of the Constitution, it would not be consistent with the principles of Her Majesty's Government to attempt to influence the decisions of the Assembly, while to do so would be setting a bad example, and might lead other Powers to exert influence in some other and more objectionable direction.

The less foreign Powers interfere in the internal affairs of Greece, the better will be the prospect of internal tranquillity and external peace for that kingdom.

I am, &c.

(Signed) RUSSELL.

Mr. Erskine to Earl Russell.—(Received October 21.)

(Extract.)

Athens, October 12, 1864.

SOON after the arrival of the last messenger, I called on Count Sponneck, and read to him your Lordship's despatch of the 19th ultimo, directing me to inform his Excellency that Her Majesty's Government must refrain from attempting to exercise any exclusive influence on the internal affairs of Greece.

He expressed himself as gratified at its language, and he urged me to furnish him with a copy of it, which he promised should be shown only to the King and his Ministers. On this understanding, and in order that there might be no mistake as to its tenor, I agreed to his request, and in the course of the day sent him a copy.

A day or two afterwards I was somewhat startled to hear that a Greek paper, called the "*Αδελφ*," had published what purported to be a summary of this despatch, but which was in reality a barefaced perversion of its meaning, and which concluded with a promise that the despatch itself would be produced in a few days. On the following day a somewhat similar statement, of which I inclose a copy, appeared in the French journal "*La Grèce*," edited, as I understand, by the same person who edits the "*Αδελφ*."

Inclosure in No. 3.

Extract from "La Grèce" of October 5, 1864.

UNE dépêche de Lord Russell, Ministre des Affaires Etrangères de la Grande Bretagne, à la Légation Britannique à Athènes, déclare que l'Angleterre, n'ayant en vue que le bien de la Grèce, ne reconnaît point dans ce pays de parti Anglais et condamne toute démonstration anarchique. Elle termine par la menace de procéder, s'il le faut, de concert avec la France et la Russie, à des mesures efficaces pour la consolidation de l'ordre et de la nouvelle dynastie en Grèce.

Il a été donné communication de cette dépêche à M. le Count Sponneck et au Gouvernement Grec.

No. 4.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, October 29, 1864.

I HAVE received your despatch of the 12th instant, in which you report the communication to Count Sponneck of my despatch of the 19th of September, declining on the part of Her Majesty's Government any attempt to influence the internal affairs of Greece, and the subsequent publication in the public prints of Athens of a statement entirely at variance with the language of that document.

You will state to Count Sponneck that as you furnished him with a copy of the despatch he ought to have taken measures to prevent the publication of so gross a perversion of its terms, or that he should in any case have publicly corrected the misstatement.

I have been obliged in consequence to allow the publication of the despatch.

I am, &c.

(Signed) RUSSELL.

No. 5.

Mr. Erskine to Earl Russell.—(Received November 19.)

(Extract.)

Athens, November 9, 1864.

THE Press of Athens has latterly been much occupied with the strictures in the "*Times*" and other London papers upon a despatch in which your Lordship was alleged to have held out a threat that the Protecting Powers would, if necessary, interfere by force for the protection of King George, and for the maintenance of order in Greece.

The Minister for Foreign Affairs having spoken to me on the subject, I of course told him that the only despatch of which I had any knowledge was the one I communicated to Count Sponneck. Somewhat to my astonishment, M. Delyanni appeared to be altogether ignorant of its contents. I therefore offered to show M. Delyanni the despatch itself, and expressed some surprise that he should not already have seen it.

On the following day Count Sponneck called upon me, as he said, to afford me an explanation as to what had passed between M. Delyanni and me. He said that he had learnt with some pain that in my conversation with M. Delyanni, I appeared to be under the impression that the erroneous version of your Lordship's despatch which had been put in circulation here originated with him, Count Sponneck. He assured me on his word of honour that such was not the case. He said the despatch was locked up in a box to which he alone had access, and that neither directly nor indirectly had he sanctioned the misstatement which had attracted the attention of the English papers. I replied that I must and did of course believe his assertion, but that I was sorry that in a matter of so much importance he had not seen the necessity of giving an immediate and authoritative contradiction to the unfounded statement in question in some semi-official paper, as from his silence it would naturally be inferred that Her Majesty's Government, in concert with France and Russia, were really about to support the Hellenic Government against the Assembly; whereas the exact reverse, as he well knew, was the fact.

In answer to this, Count Sponneck told me that the Government had no official or semi-official organ in the press, and that at all events he did not at the time attach sufficient importance to the statement to think it worthy of contradiction.

No. 6.

Mr. Erskine to Earl Russell.—(Received December 9.)

(Extract.)

Athens, November 30, 1864.

IN conformity with the instructions contained in your Lordship's despatch of the 29th ultimo, I have not failed to convey to Count Sponneck your Lordship's opinion as to the gross perversion which was published in the public prints of Athens, of your Lordship's despatch declining, on the part of Her Majesty's Government, any attempt to influence the internal affairs of Greece.

Count Sponneck said he was so used to the misrepresentations of the Athens newspapers that he did not at the time attach sufficient importance to the statement to think it deserving of contradiction, and that it was only on finding how much prominence had been given to it by the Austrian press that he became aware of the mischief that had been done; and he again assured me in the most positive manner that he had no hand whatsoever in misrepresenting your Lordship's language.

GREECE.

Correspondence relative to the Affairs of Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

LONDON:
PRINTED BY HARRISON AND SONS,

CONVENTION
BETWEEN
HER MAJESTY AND THE SULTAN,
FOR THE
ESTABLISHMENT
OF
TELEGRAPHIC COMMUNICATION
BETWEEN
INDIA AND THE OTTOMAN TERRITORY.

Signed at Constantinople, September 3, 1864.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.



CONVENTION between Her Majesty and the Sultan, for the Establishment of Telegraphic Communication between India and the Ottoman Territory.

Signed at Constantinople, September 3, 1864.

[Ratifications exchanged at Constantinople, October 31, 1864.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the Ottomans, being desirous to establish between their respective States telegraphic communications, by means of which India, connected by a submarine cable with the Ottoman territory at the mouth of the Shat-el-Arab, will be in telegraphic communication with Turkey, and consequently with all the other States of Europe, have agreed to conclude a Telegraphic Convention, and with that object have named as their Plenipotentiaries, that is to say,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Lytton Bulwer, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Sublime Porte;

And His Majesty the Emperor of the Ottomans, His Highness Mehemed Emin Aali Pasha, Minister for Foreign Affairs, decorated with the Imperial Orders of the Osmanie, of the Medjidie, and of Merit of the first class in brilliants, Grand Cross of several Foreign Orders;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The Ottoman Government will continue, at its own cost, to the mouth of the Shat-el-Arab, the main telegraphic line of Asia now existing between Scutari of Constantinople and Bagdad, and will connect the said main line, in the direction of Khanakain, with the Persian land lines which communicate with the submarine cable at Bushire.

The maintenance and repairs of the said Ottoman lines will be at the charge of the Ottoman Administration.

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SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Ottomans, désirant voir établir entre leurs Etats respectifs des communications télégraphiques, par suite desquelles les Indes, reliées par un câble sous-marin avec le territoire Ottoman à l'embouchure du Shatt-ul-Arab, se trouveront en communication télégraphique avec la Turquie, et par conséquent avec tous les autres Etats de l'Europe, sont convenus de conclure une Convention Télégraphique, et ont à cet effet nommé pour leurs Plénipotentiaires, savoir,—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Sir Henry Lytton Bulwer, Membre du Très Honorable Conseil Privé de Sa Majesté, Chevalier Grand-Croix du Très Honorable Ordre du Bain, et Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté près la Sublime Porte;

Et Sa Majesté l'Empereur des Ottomans, Son Altesse Mouhammed Emin Aali Pacha, Son Ministre des Affaires Etrangères, décoré de l'Ordre Impérial de l'Osmanié, du Medjidié, et du Mérite de première classe en brillants, Grand-Croix de plusieurs Ordres Etrangers;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants:—

ARTICLE I.

Le Gouvernement Ottoman prolongera à ses frais jusqu'à l'embouchure du Shatt-ul-Arab, la grande ligne télégraphique d'Asie existant actuellement depuis Scutari de Constantinople jusqu'à Bagdad, et reliera cette grande ligne dans la direction de Khanakain aux fils aériens Persans, qui sont en communication avec le câble sous-marin à Bushire.

L'entretien et les réparations des susdites lignes Ottomanes seront à la charge de l'Administration Ottomane.

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ARTICLE II.

On the other hand, the Government of India will lay down, at its own expense, a submarine telegraphic cable, which, starting from some point of the British Indian Empire and touching at Bushire, will terminate at the mouth of the Shat-el-Arab, where it will join the Ottoman land line.

The maintenance and repairs of this cable shall be at the expense of the Indian Administration.

ARTICLE III.

His Majesty the Sultan authorises the establishment on Ottoman territory, at the mouth of the Shat-el-Arab, of a British telegraph office, with a staff, which shall not exceed in number fifty persons, placed under the exclusive orders of a British station master, and which, as well as the apparatus and all the instruments requisite for working the submarine line, shall be at the expense of the British Government.

ARTICLE IV.

The aforesaid British office shall be located in the same building occupied by the Ottoman station at the mouth of the Shat-el-Arab, with a view to facilitate the combined operations of the common service.

The apparatus of the Ottoman service and that of the British service at that joint station shall be placed in separate compartments, but in close proximity to each other, and shall not be connected.

The exchange of messages shall take place immediately on their receipt, the officers handing them to each other through a window, and the service of the British and Ottoman offices shall be permanent. The rent and cost of maintenance of the mixed telegraphic station shall be shared in equal proportions by the British and Ottoman Administrations.

ARTICLE V.

It is well understood that the active service of the British office on Ottoman territory shall be limited to the receipt and delivery by hand to the Ottoman office of the messages arriving from India by the submarine cable; to the transmission of those which are delivered to it by the Ottoman office; and lastly, to the superintendence and maintenance of a safe and regular submarine communication between the mouth of the Shat-el-Arab and India.

The direction-in-chief of the mixed station shall devolve on the Ottoman Administra-

ARTICLE II.

Le Gouvernement des Indes posera de son côté, à ses frais, un câble télégraphique sous-marin, qui, partant d'un point quelconque de l'Empire Britannique des Indes et touchant à Bushire, aboutira à l'embouchure du Shatt-ul-Arab, où il sera relié à la ligne aérienne Ottomane.

L'entretien et les réparations de ce câble seront à la charge de l'Administration Indienne.

ARTICLE III.

Sa Majesté le Sultan autorise l'établissement sur le territoire Ottoman, à l'embouchure du Shatt-ul-Arab, d'un bureau télégraphique Britannique, dont le personnel, qui ne pourra dépasser le nombre de cinquante, sera placée exclusivement sous les ordres d'un chef de station Britannique, et sera à la charge du Gouvernement Britannique, ainsi que les appareils et tous les instruments requis pour le fonctionnement de la ligne sous-marine.

ARTICLE IV.

Le susdit bureau Britannique sera placé dans le même local que celui qui sera occupé par la station Ottomane établie à l'embouchure du Shatt-ul-Arab, de façon à faciliter les opérations combinées du service mixte.

Les appareils du service Ottoman et ceux du service Britannique de cette station mixte seront placés dans des compartiments séparés, mais à proximité l'un de l'autre, et non reliés entre eux.

L'échange des dépêches se fera immédiatement après réception entre les employés de main en main par un guichet, et le service de ces deux bureaux Ottoman et Britannique sera permanent. Le loyer et les frais d'entretien de la station télégraphique mixte seront supportés par les Administrations Ottomane et Britannique en parties égales.

ARTICLE V.

Il demeure bien entendu que le service actif de ce bureau Britannique sur le territoire Ottoman est restreint à la réception et à la remise de main en main au bureau Ottoman des dépêches arrivant des Indes par le câble sous-marin; à la transmission de celles qui lui seront remises par le bureau Ottoman; et en dernier lieu à la surveillance et à l'entretien d'une communication sous-marine sûre et régulière entre l'embouchure du Shatt-ul-Arab et les Indes.

La haute direction de la station mixte es-

acquise à l'Administration Ottomane, mai

tion, but without the right of interfering in the internal administration of the British office.

ARTICLE VI.

In order to ensure promptitude in the Indo-European correspondence and its regular transmission and receipt, the Ottoman Government will not fail to establish a permanent service at Bagdad and Fao, as well as at the majority of stations on the main line of Asia between Constantinople and Fao, and to appoint thereto a staff possessing a knowledge of the English language sufficient for the perfect performance of that important service.

Moreover, the Ottoman Government being desirous that the expeditious transit of the Indo-European messages over its territory should be rendered still more satisfactory, engages to establish at Constantinople an office of transmission devoted exclusively to the service of messages to and from India. Its officers, and especially the station master, shall be selected from those of the Ottoman telegraph officials who are thoroughly conversant with the English language.

ARTICLE VII.

The Ottoman Government will take the necessary measures to ensure that one wire of the main line from Constantinople to Fao shall be always exclusively devoted to Indo-European messages. In case this wire should get out of order, or in case of a press of traffic, the official Indo-European messages may be forwarded by one of the wires intended for local traffic, but after the official despatches of the Ottoman Government. In that case private Indo-European despatches shall be forwarded together with private messages already deposited at the office, and in alternative order with those messages, whatever may have been the hour at which the latter may have been deposited.

ARTICLE VIII.

The Convention of Brussels, of June 30, 1858, in all that relates to the details of the telegraphic service, shall be mutually observed by the two Contracting Governments, in so far as it is not opposed to the terms of the present Convention.

ARTICLE IX.

It is agreed between the High Contracting Parties that the rates for Indo-European messages sent by the Ottoman lines in Asia throughout their whole extent from Con-

sans droit d'intervenir dans l'administration intérieure du bureau Britannique.

ARTICLE VI.

Dans le but d'assurer la promptitude des correspondances Indo-Européennes et leur transmission et réception régulières, le Gouvernement Ottoman aura soin d'établir un service permanent à Bagdad et à Fao, ainsi que dans la plupart des stations sur la grande ligne d'Asie entre Constantinople et Fao, et d'y instituer un personnel possédant une connaissance suffisante de la langue Anglaise pour l'exécution parfaite de ce service important.

En outre, le Gouvernement Ottoman, désirant que l'écoulement rapide des missives Indo-Européennes sur son territoire ait lieu d'une manière encore plus satisfaisante, s'engage d'établir à Constantinople un bureau de transmission affecté exclusivement au service des dépêches de provenance et de destination Indienne. Les employés de ce bureau, et surtout le chef de station, seront choisis parmi les fonctionnaires du télégraphe Ottoman connaissant parfaitement la langue Anglaise.

ARTICLE VII.

Le Gouvernement Ottoman prendra les dispositions nécessaires pour qu'un fil de la grande ligne de Constantinople à Fao reste toujours exclusivement affecté au service des dépêches Indo-Européennes. En cas du dérangement de ce fil, ou d'un encombrement de dépêches, les dépêches officielles Indo-Européennes pourront encore être transmises par un des fils affectées au service de la correspondance de l'intérieur, mais après les dépêches officielles du Gouvernement Ottoman. Dans ce cas, les dépêches particulières Indo-Européennes seront expédiées concurremment et par ordre alternatif avec celles des particuliers déjà déposées au bureau, quelle que soit l'heure à laquelle ces dernières auront été déposées.

ARTICLE VIII.

La Convention de Bruxelles du 30 Juin, 1858, sera, en ce qui concerne les détails des services télégraphiques, réciproquement observée par les deux Gouvernements Contractants, en tant quelle ne soit pas contraire aux dispositions de la présente Convention.

ARTICLE IX.

Il est convenu entre les Hautes Parties Contractantes que la taxe des dépêches Indo-Européennes transmises par les lignes Ottomanes d'Asie sur tout leur parcours de

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Constantinople to Fao, or to the Persian frontier in the direction of Khanakain, and *vice versa*, shall not exceed the limit of twenty-seven francs and a-half ($27\frac{1}{2}$ francs) for a single message sent from Constantinople to Fao or *vice versa*, and of twenty-two francs and a-half ($22\frac{1}{2}$ francs) for a single message sent from Constantinople to Khanakain or *vice versa*, as also that the rates for messages traversing the whole submarine line from India to Fao, or to Bushire, and *vice versa*, shall not exceed the limit, for the former of sixty-two francs and a-half ($62\frac{1}{2}$ francs), for each single despatch, and, for the latter, of fifty francs (50 francs).

ARTICLE X.

The Administrations of the two Contracting Governments will communicate to each other, with the least possible delay, the Tariff of their stations and frontiers, in so far as they may have reference to the Indo-Ottoman frontier of Fao. According to that Tariff the rates shall be mutually accounted for in the monthly accounts of messages exchanged between the two Administrations at the aforesaid frontier of Fao.

ARTICLE XI.

The mutual account for telegraphic rates, expenses of postage, and of expresses, &c., &c., shall be checked at the expiration of every month and settled quarterly. The liquidation and payment of the surplus which may be due to either Administration shall take place at the close of each quarter. The accounts of each Administration shall enumerate only the rates in debit: they shall be drawn up by the Ottoman Administration in francs and centimes, the total being reduced to shillings and pence; and by the British Administration in shillings and pence, the total being reduced to francs and centimes.

The reduction of these sums shall be calculated at the rate of—

1 pound sterling	= 25 francs.
1 shilling	= 1 franc 25 centimes.
1 penny	= 10 centimes.

ARTICLE XII.

The balance which may accrue from the quarterly liquidation, in favour of one or other of the Administrations, may be paid either in Turkish pounds, in pounds sterling, or in twenty-franc pieces. Should the balance be in favour of the Indian Adminis-

Constantinople à Fao, ou à la frontière Persane dans la direction de Khanakain, e *vice versa*, ne dépassera pas la limite de vingt-sept francs et cinquante centimes (27 francs et 50 centimes) pour une dépêche simple transmise de Constantinople à Fao et *vice versa*, et de vingt-deux francs et cinquante centimes (22 francs et 50 centimes) pour une dépêche simple expédiée de Constantinople à Khanakain ou *vice versa*, de même que les taxes des dépêches traversant toute la ligne sous-marine depuis les Indes jusqu'à Fao, ou jusqu'à Bushire et *vice versa*, ne dépasseront pas, les premières la somme de soixante-deux francs et cinquante centimes (62 francs et 50 centimes, pour chaque dépêche simple, et les dernières celle de cinquante francs (50 francs).

ARTICLE X.

Les Administrations des deux Gouvernements Contractants se communiqueront réciproquement, dans le plus bref délai possible, le Tarif de leurs stations et frontières, par rapport à la frontière Indo-Ottomane de Fao. C'est d'après ce Tarif que les taxes devront être bonifiées réciproquement dans les comptes mensuels des dépêches échangées entre les deux Administrations par la susdite frontière de Fao.

ARTICLE XI.

Le compte réciproque des taxes télégraphiques, des frais de poste, d'express, &c., &c., sera clôturé à l'expiration de chaque mois, et réglé tous les trois mois. La liquidation et le paiement du surplus résultant en faveur de l'une ou de l'autre Administration se fera à la fin de chaque trimestre. Les comptes de chaque Administration ne comprendront que les taxes en débit: ils seront dressés par l'Administration Ottomane en francs et centimes, avec réduction des sommes totales en schellings et pence, et par l'Administration Britannique en schellings et pence, avec réduction des sommes totales en francs et centimes.

La réduction de ces sommes se fera à raison de—

1 livre sterling	= 25 francs.
1 schelling	= 1 franc 25 centimes.
1 penny	= 10 centimes.

ARTICLE XII.

Le solde qui résultera de la liquidation trimestrielle, en faveur de l'une ou de l'autre Administration, pourra être payé soit en livres Turques, soit en livres sterlings, soit en pièces de vingt francs. Si la solde résulte en faveur de l'Administration In-

tration, payment shall be made by Turkey into the hands of the delegate of that Administration at Constantinople; and should it be in favour of the Ottoman Administration, payment shall be made by the aforesaid delegate to the Director-General of the Ottoman telegraphs.

ARTICLE XIII.

In order to facilitate and accelerate the operations relating to the reciprocal settlement of the quarterly accounts with the Central Administration of Ottoman telegraphs, the Indian Government shall be entitled to appoint a delegate to reside at Constantinople, the seat of that Administration. The Ottoman Government shall likewise be entitled to name a delegate for the same purpose, to reside at the seat of the Central Telegraphic Administration of the Indian Government. The respective delegates shall be entitled to receive from the respective Central Administrations all the information and explanations which they may require.

ARTICLE XIV.

All messages to or from India may be forwarded indifferently, as may be most convenient for the service, either by the line of Bussorah or by that of Khanakain.

ARTICLE XV.

It is well understood that the Ottoman Government shall be in account current and shall have direct administrative relations with the Government of India in respect to all messages, whether sent by the frontier of Fao or by the Persian route of Khanakain. Thus the two Contracting Governments shall not be in account current, and shall not have direct administrative relations with Persia, except in respect to payment for those messages only which shall have traversed the Persian lines; so that as regards Indo-European messages, the two High Contracting Parties shall only account to the Persian Government for the amount due to it for their transit along the Persian lines between Khanakain and Bushire.

ARTICLE XVI.

The present Convention shall come into operation as soon as the submarine cable shall be in communication with the land lines of Turkey and of India, and shall remain in force for three years from the day on which the ratifications are exchanged. Nevertheless the High Contracting Parties

dienne, le paiement se fera de la part de la Turquie entre les mains du délégué de cette Administration à Constantinople; et s'il résulte en faveur de l'Administration Ottomane, le paiement se fera par le délégué sus-mentionné à la Direction Générale des Télégraphes Ottomans.

ARTICLE XIII.

Dans le but de faciliter et d'accélérer les opérations concernant le règlement réciproque des comptes trimestriels avec l'Administration Centrale des Télégraphes Ottomans, le Gouvernement Indien pourra entretenir un délégué à Constantinople, où se trouve le siège de la dite Administration. De même le Gouvernement Ottoman pourra nommer dans le même but un délégué auprès de l'Administration Télégraphique Centrale du Gouvernement des Indes. Les délégués respectifs pourront obtenir auprès des Administrations Centrales respectives, tous les renseignements et les éclaircissements dont ils peuvent avoir besoin.

ARTICLE XIV.

Toutes les dépêches en destination ou provenant des Indes pourront être expédiées indifféremment, selon la convenance du service, soit par la ligne de Bussorah, soit par celle de Khanakain.

ARTICLE XV.

Il demeure bien entendu que le Gouvernement Ottoman sera en compte courant et aura des rapports administratifs directs avec le Gouvernement des Indes, pour toutes les dépêches transmises indifféremment soit par la frontière de Fao, soit par les lignes Persanes de Khanakain. Ainsi les deux Gouvernements Contractants ne seront en compte courant et n'auront des rapports administratifs directs avec le Gouvernement Persan que pour les taxes seules des dépêches qui auront traversé les lignes Persanes; de manière que les deux Hautes Parties Contractantes ne tiendront compte au Gouvernement Persan, en ce qui concerne les dépêches Indo-Européennes, que des taxes qui lui reviendraient de leur transit par la ligne Persane de Khanakain à Bushire.

ARTICLE XVI.

La présente Convention sera mise à exécution aussitôt que le câble sous-marin sera en communication avec les lignes de terre de la Turquie et des Indes, et demeurera en vigueur pendant trois ans à partir du jour de l'échange des ratifications. Toutefois les Hautes Parties Contractantes pourront y

may introduce into it, according as necessity may require, such modifications as may be considered by common agreement to be useful and indispensable.

At the end of three years the present Convention shall be deemed to be in force for an indefinite term, and until the expiration of six months reckoning from the date on which either of the Parties shall have made known to the other its intention to put an end to the same.

ARTICLE XVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Constantinople as soon as possible.

Done at Constantinople, on the third day of September, one thousand eight hundred and sixty-four.

(L.S.) HENRY LYTTON BULWER.
(L.S.) AALI.

apporter, à fur et à mesure que le besoin s'en fasse sentir, les modifications qui pourront être d'un commun accord jugées utiles et indispensables.

A l'expiration du terme de trois ans, la présente Convention sera considérée comme étant en vigueur pour un temps indéterminé, et jusqu'à l'expiration de six mois à compter du jour où la dénonciation en sera faite de part ou d'autre.

ARTICLE XVII.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Constantinople dans le plus bref délai possible.

Fait à Constantinople, le troisième jour du mois de Septembre, de l'année mil huit cent soixante-quatre.

(L.S.) HENRY LYTTON BULWER.
(L.S.) AALI.

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Correspondence respecting Pensions to British Subjects formerly
employed under the Ionian Government.

No. 1.

Mr. Evans, M.P., to Viscount Palmerston.

My Lord,

April 11, 1864.

I HAVE been requested by Sir John Fraser, Mr. Blair, Sir James Reid, and Mr. T. J. Gisborne, who were formerly employed in different capacities in the Ionian Islands, and are now pensioners of the Ionian Government, to forward to your Lordship the inclosed Memorial. I may be permitted to say that, being nearly related to Mr. Gisborne, and intimately acquainted with the three other gentlemen, I feel deeply interested in their welfare. Your Lordship will, I believe, see that the punctual payment of the pensions which they have earned is of vital importance to them; and I earnestly hope that their Memorial will receive the favourable consideration of Her Majesty's Government.

I remain, &c.

(Signed)

T. W. EVANS.

Inclosure in No. 1.

Memorial.

Unto the Right Honourable the Viscount Palmerston, K.G., First Lord of Her Majesty's Treasury.

The Memorial of the undersigned British Pensioners of the Ionian Government,
Humbly sheweth,

YOUR memorialists are public creditors of the Ionian Government, as pensioners under the Pension Law in operation at the time they took office in the Ionian Islands; and they would very respectfully, but most earnestly, solicit the favour of your Lordship's attention to what they have now to submit regarding their position in consequence of the cession of the islands to Greece, and the arrangement, as stated in Parliament, for the payment of Ionian pensions, the subject being about to depart from the competency of the Colonial Office alone.

It will be provided, according to that statement, by Treaty with Greece, that the Government of that Kingdom shall pay over in bulk the sum due to the various British pensioners, whilst the British Government will undertake the charge of paying the pensions in detail.

Your memorialists at once admit that the intervention of Her Majesty's Government, even in the most limited sense which could be given to the proposed arrangement, will, in ordinary circumstances, afford to the British pensioners of the Ionian Government a large measure of security; but if in all circumstances payment were to be made to them only after the means of making it had been obtained from the Greek Government, such unfortunately is the political and financial condition of Greece that this arrangement alone might not be found to grant them due protection.

Your memorialists would be most unwilling to suppose that Her Majesty's Government would leave them without redress if, in the event of another Revolution, or of financial mal-administration, Greece should delay, or be unable to fulfil the stipulations it had entered into.

But they presume to think they may fairly claim an assurance that they may always rely on punctuality of payment; and they need hardly advert to the sad consequences not only of non-payment, but of want of punctuality, to those whose chief means consist of

their pensions; part of which may be engaged to meet premiums on insurances for the benefit of their families.

Your memorialists consider that their claim is one peculiarly deserving the favourable consideration of Her Majesty's Government

They gave up professions, or other employments, to accept offices the appointment to which was reserved, by the Ionian Constitution, to the British Government; their salaries were payable from the Lord High Commissioner's civil list, exempted from the control of the Ionian Parliament, and their pensions were earned by service in the offices to which they had been so appointed, and by deductions from their salaries at rates increasing according to the amount of salary.

The security for the payment of these pensions was ample so long as the Ionian Islands were under British protection and control; and now that the connection between them and Great Britain, on the faith of which your memorialists accepted office, has been voluntarily severed by this country, and their original security, therefore, done away, it humbly appears to them that they make no unreasonable demand when they ask an assurance on the part of Her Majesty's Government that their pensions shall be paid in future with the same regularity as they have been paid hitherto.

The Ionian Islands have been ceded to Greece on grounds of national policy; and your memorialists feel confident that, as creditors of the Ionian Government, through service under the employment of the Government of Great Britain, they will not be allowed to suffer in consequence.

Your memorialists would only further observe that, before the increase caused by the cession, the amount of Ionian pensions payable to British subjects was under 6,300*l.* per annum, of which about 2,000*l.* is payable to persons between 70 and 80, one or two of whom are, it is believed, above 80; fully the same amount to others between 60 and 70; the recipients of the remainder being above 50 and approaching 60 years of age.

(Signed)

J. FRASER, retired 1854.

W. BLAIR, retired in 1855.

J. J. REID, retired in 1858.

THOS. JOHN GISBORNE, retired in 1853.

No. 2.

Mr. Elliot to Mr. Hammond.—(Received May 11.)

Sir,

Downing Street, May 10, 1864.

I AM directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, the inclosed copies of three despatches from the Lord High Commissioner of the Ionian Islands, containing representations from himself, and accompanied by petitions from various office-holders relative to some of the provisions in the recent Convention with Greece on the subject of pensions.

Two classes of persons were to be dealt with: 1st, British subjects who, without having earned a pension, had a claim to indemnity for the loss of their offices by the cession of the Ionian Islands; and, 2ndly, public functionaries, whether British subjects or Ionians, who had contributed to a pension fund, and had acquired a right by law to pensions. The Convention provided for both these classes. It contained a list of compensations to be paid to the first, and a list of pensions to be paid to such of the second as had up that time accepted their pensions.

In the course of the negotiation, however, the Greek Ministers suggested an important restriction, which is embodied in the IInd Article of the Convention. It provides that if any of the above-mentioned persons should take office under the British Crown, their retired allowance should be modified accordingly. If the salary be equal to or greater than the pension, the pension is to cease, and if less than the pension, only the difference is to be paid between the salary and the original pension. The same rule extends to the compensations. The effect is that, so far as Greece is concerned, the joint amount of salary and pension or compensation is never to exceed the total amount of the original pension or compensation. A somewhat similar condition exists in this country as to English pensions, the application of which was probably intended in this case. But there is this material distinction, that in England the maximum amount fixed by law is not that of the pension, but that of the salary belonging to the office from which the pensioner retired. To this extent, therefore, the British recipients of compensation allowances from Greece are placed in a worse position than if they had been indemnified for a loss of office in England; and as this difference probably arose rather from oversight than intention, Her Majesty's Government may reasonably feel assured

that the Greek Government will be willing to take their case into consideration, and to agree that in case any of them should hereafter take office, the consequent diminution of their pension shall be governed by the same rule which exists on the subject in their own country.

The case of the pensioners, whether British subjects or Ionians, who are entitled to pensions as members of the Ionian Civil Service, offers other grounds for reconsideration. They have subscribed to a pension fund, and have acquired their rights to pension under the provisions of law, chiefly embodied in two Acts dated respectively the 1st of May, 1832, and the 13th of July, 1857. Each of these Acts contains a clause to the effect that a pensioner is not contemporaneously to receive his pension and a salary from the Ionian or from any other Government excepting that of the Protecting Sovereign. Some gentlemen, it appears, are at the present time in the receipt of Ionian pensions and of the salaries of Consular offices to which they have been appointed by the British Government. The Convention, as it now stands, would deprive them, and all other similar pensioners, of the benefit of an exception expressly made in the law under which they have acquired their rights to pension.

The remaining subject to which attention is drawn in the inclosed despatches is the 4th paragraph of the 1st Article of the Convention. This seems to have been construed at Corfu into a renunciation of the rights to pension of all persons who remain in office, and whose names, therefore, are not included in the lists contained in the Convention. The office-holders in the Ionian Islands are very numerous, and belong to all classes of society, and the Lord High Commissioner describes in strong language the excitement which has been produced among them. He says that the Civil Service is "almost in revolt," and that unless the matter should be settled in a satisfactory manner it is likely to give the greatest trouble to the King of the Hellenes and his Government.

Mr. Cardwell cannot help thinking that this alarm arises from misapprehension, and that with the aid of the Greek Government it will admit of being easily removed. The obvious meaning of the Convention was to furnish the Greek Government with an authentic list of all persons who had actually obtained their pensions up to the time when the British Protectorate ceased. The British authorities commanded the best means of stating what persons had retired on these allowances whilst under their jurisdiction, and the Article accordingly states that no Ionian subject shall have a claim on account of being "at present" ("actuellement"), that is to say, at the date of the Convention, in the enjoyment of a pension, unless he was so recorded in the list included in that document. It is impossible to suppose that these words were intended to destroy all the future rights of the large body of persons who will pass from the service of the existing Ionian Government into that of His Hellenic Majesty. In fact, it would not have been competent to the Governments of Great Britain and Greece, even if they could be imagined capable of forming the wish, to annul by agreement between themselves the legal rights of the Ionians who are now about to become the subjects of Greece. Far from entertaining any views so contrary to justice, it is expressly stipulated in the general Treaty for the cession of the Ionian Islands, that His Majesty the King of the Hellenes takes upon himself all the engagements lawfully entered into by the Government of the Ionian Islands, or by the protecting Sovereign on their behalf, as fully and completely as if such engagements had been entered into by His Majesty or by the Government of Greece.

Under these circumstances, it only seems necessary to declare by authority that the provisions in the Convention with this country on the subject of all pensions obtained up to that time were in no way intended to affect or prejudice the prospective rights of the Civil Servants in the Ionian Islands. Mr. Cardwell trusts that the Greek Government will feel no difficulty in making such an assurance to that effect as shall put an end to the existing alarm and excitement on the subject.

I am, &c.
(Signed) T. FREDK. ELLIOT.

Inclosure 1 in No. 2.

Sir H. Storks to the Duke of Newcastle.

My Lord Duke,

Corfu, April 12, 1864.

I PERCEIVE in the copy of the Convention concluded between Her Majesty and the King of the Hellenes, a clause respecting pensions which I have no doubt will give rise to some remonstrance.

I allude to that portion of Article II in which it is stipulated that a yearly list of the persons entitled to pensions and compensations, in virtue of the Convention, shall be given

to the Hellenic Government, and that those persons who may be appointed to places under the Crown of Great Britain of equal value shall cease to draw their pensions and compensations, which, furthermore, are to be reduced by the amount of salary due to them in respect of any offices to which they may have been appointed which yield an income less than the full amount of the allowances due to them.

2. With respect to the officers receiving compensation there is nothing to be said, but with regard to the holders of pensions I perceive in this clause the elements of much discontent. Persons, whether English or Ionian, drawing pensions from Ionian funds, do so under the provisions of two Acts of Parliament, copies of which I inclose. In return for the benefits held out by these Acts, they have been subjected to regular annual deductions of salary, and amongst those benefits is the privilege of drawing the pensions which may be allotted them, in addition to the salary of any place held from the Crown of Great Britain. Your Grace will therefore perceive that the clause in question gives up a right acquired, it may almost be said, by purchase, and freely exercised. There are two gentlemen already in Her Majesty's Consular Service drawing pensions in addition to their salaries, and the effect of the Convention will be to diminish their incomes—a result which of course cannot be desired by Her Majesty's Government.

3. While on this question, I may refer to the case of Mr. Twelves, referred to in my despatch of the 14th ultimo, and answered in your Grace's despatch of the 31st. Mr. Twelves, as a teacher in the Lyceum and as having paid his contributions, is entitled to the pension I mentioned. His claim is founded on the Act of Parliament, and can be enforced by the Tribunals. It was not inclosed in the list I sent in, because by a clause of the Act it will only be payable five years after certain payments have been made by him, but the right is incontestable. His removal from office was not on account of any misconduct or dismissal, as it would be termed in England, but simply from the fact that the Assembly, as an act of aggression against a British subject, struck his office of English teacher from the Estimates. By this circumstance he became, by Act of Parliament, at once entitled to any of the benefits of the Act to which he might have a claim, and I think he may have a right to complain at being omitted in the Treaty by an accident, having an undoubted right by law to his pension, his case being similar to that of Mr. Hatton.

4. There is a third point to which it is necessary to advert, viz., to clause 4 of Article I. By this Article the rights of Ionians to pensions are restricted to those who are to be borne on the list presented by me of those "in the enjoyment of pensions." Now there are many Ionian subjects still in the service and not drawing pensions, but who have completed periods of service entitling them to pensions whenever they retire from the service for any cause other than that of dismissal. Many of these persons will doubtless lose their place on the annexation. How will it be possible for me to place their names on the list? Yet without my doing so they forfeit the rights of which they are at present in legal possession. Besides this, I may point out that there is a great discrepancy between the English and French versions of the clause. In the English the words ran, "on account of being at present in the enjoyment of any pension;" while in the French it is rendered "en prétendant qu'il y avait actuellement droit."

5. As the Convention is merely one between Her Majesty's Government and that of the King of the Hellenes, I would earnestly submit that some Diplomatic Act should be passed between the Governments by which claims and rights might be examined at leisure, and by which the pension laws of these States should be respected; otherwise the complaints and remonstrances will be interminable.

I have, &c.
(Signed) H. K. STORKS.

Inclosure 2 in No. 2.

Sir H. Storks to Mr. Cardwell.

Sir,

Corfu, April 16, 1864.

WITH reference to my despatch of the 12th instant, I have the honour to inform you that my anticipations have been realized, and that the decisions respecting the pensions have given rise to the greatest clamour.

Representations and remonstrances are pouring in on every side, and the number of claims is so great that I do not think it necessary at present to enter into detail.

The stipulation contained in clause 4 of Article I gives rise to the greatest amount of discontent, as it is supposed entirely to abrogate the stipulations of the Pension Law of these States, under which contributors to the fund have acquired fixed and defined rights.

2. I trust I shall be forgiven for once more urging in the strongest manner a revision of this portion of the Convention, which has almost placed in revolt the Civil Service of

these islands, and which is likely to give rise to the greatest embarrassment to the King of the Hellenes and his Government.

3. Since writing the above, I have received the inclosed petition from some of the principal and most respectable of the Ionian functionaries and employés at Corfu, which I beg leave to bring before the immediate and careful attention of Her Majesty's Government.

When the conditions of the Convention are known in the other islands, I make no doubt that the alarm will be as great amongst the public servants there as in Corfu, and the remonstrances quite as strong. What the Ionian public service solicits, is an acknowledgment on the part of the Greek Government of all legal right to pension acquired under the existing Pension Laws to the same extent as pensions already enjoyed by Ionian citizens.

I have, &c.
(Signed) H. K. STORKS.

Inclosure 3 in No. 2.

Petition.

Excellency,

THE Undersigned having this day learnt of the Convention entered into on the $\frac{17}{29}$ th March, 1864, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Hellenes, respecting the pensions of Ionian subjects; and finding that the said Convention refers solely to those Ionians who are at present in the enjoyment of pensions, received in virtue of laws now in force, and that no allusion is made to other persons who, under the 55th Act of the 3rd Parliament, and other laws at present in force, have acquired a right to pension, on ceasing to serve the Ionian Government; and the Undersigned having acquired a right to pension, although not yet in the enjoyment of the same, being still in the public service, respectfully submit that in the aforesaid Convention their case has been unintentionally overlooked.

They therefore appeal to the well-known justice of your Excellency, and beg that you will take such measures as may seem to you fitting, to obtain for them such an interpretation of the Convention as shall secure the pensions of all Ionian subjects who, under the laws now in force, shall have a right to pension when the Government of the protecting Power shall cease.

Corfu, April 15, 1864.

(Signed)

A. ROMANO.
C. DANO SENO.
DEMETRIO q^m. GIOV. CALOGERA.
S. RODOTIATO.
A. MERCATI.
L. BERETTA.
DR. SPIRIDE. STEF. NARANZI.
N. VASSILA.
GIORGIO DIONISSIANO.
MARIO GIRONCI.
ANASTASSIO CAMBISSA.
GEVER SINNO RINOPULO.
G. V. GATRO, *Primo Padre Aal. Rev. in Zante*.
GIOVANNI MEXA.
SPIRIDIONE F. q^m. GERASIMO.
DEMETRIO q^m. STEFANO RIKY, *di Corfu*.
NICOLA q^m. GIOVANNI COSCHINA.
NICOLA RUSSOLINO.
COSTANTINO RIKY.
SPIRIDIONE MARTINI, p^r. NICOLA.

Inclosure 4 in No. 2.

Sir H. Storks to Mr. Cardwell.

Sir,

Corfu, April 22, 1864.

WITH reference to my despatch of the 16th instant, I have the honour to transmit to you a petition from several gentlemen in Cephalonia, requesting that a clause may be

added to the Convention of March 29th last, securing to them the rights they have acquired by the Pension Laws of these States.

I have, &c.
(Signed) H. K. STORKS.

Inclosure 5 in No. 2.

Petition.

My Lord,

BY Article VIII of the Treaty dated 29th March, 1864, signed between England, France, Russia, and Greece, His Majesty the King of the Hellenes has assumed, besides other things, the pensions paid to several Ionian subjects, in reward of services rendered to the Government of these islands.

It is enacted by the last part of the above-mentioned Article that a special Convention between Her Majesty the Queen of England and His Majesty the King of the Hellenes will determine the number of such pensions and regulate the manner in which they will be paid.

In fact, by the Convention stipulated in London on the same day (29th March, 1864), it has been stipulated that the King of the Hellenes assumed the obligation of recognising the rights of such of the Ionians as are receiving pensions for services offered in the Ionian States, in order that they should continue to receive such pensions.

It is further declared in the above-mentioned Convention that the English Minister residing in Athens will transmit to the Minister for Foreign Affairs in Greece a list of such pensions which will be furnished by your Excellency, and that no Ionian can have any pretensions on His Hellenic Majesty for the pension he is actually receiving unless he is comprised in that list.

In the above-mentioned list no mention is made of those Ionians who, though having obtained from the competent authority the decree of pension, and are entitled to receive it by merely applying for it, such as the undersigned are, yet have preferred continuing in the service.

Although one cannot suppose that the Convention and the relative Treaty may impair the right acquired by the Undersigned, in virtue of positive laws, and which has been recognised by the Most Illustrious the Senate by express decrees—nor could it be presumed that the Hellenic Government would overlook their long services rendered under the shadow of laws that guarantee to them a right of pension, the legality of which has been already attested by the competent authority—yet notwithstanding, in order to remove every doubt, and with the view of securing their destiny from any unlooked-for event, the Undersigned present themselves with confidence before your Excellency, begging you to be pleased to intercede with the Government of Her Majesty the Queen of England for the adoption of such measures as, in their justice and wisdom, they may think proper for the purpose, that their already-recognised right of receiving their pensions so soon as they declare their retirement from public service may be expressly guaranteed by the addition of a declaratory Article to the Convention of March 29, 1864.

Cephalonia, April 19, 1864.

(Signed)

CONSTANTINO INGLESSI, *Regency.*

CESARE PRUHI, *Presidente dei Tribunali.*

CONSTANTINO CTE. MESSALA, *Giudice della Corte.*

EMMANUEL D. LAZZARETTI, *Acct. Fiscale.*

DEMETRIO DIPLAS, *Asst. Revision Generale.*

NUOTO FOCCO, for MARCO, *Registrar of Tribunals.*

SPIRIDIONE N. VOCA, *Avvocato Municipale.*

DOMINICO DANNARA, *Procurator.*

Dr. DEM. NARANSI, *Giudice.*

No. 3.

Earl Russell to Mr. Scarlett.

Sir,

THE Treaty concluded between Her Majesty and the King of the Hellenes on the 29th March, 1864, and ratified on the 25th of the following April, provides that certain pensions and compensations which have been granted by the Ionian Government to British subjects shall be paid by half-yearly instalments to Her Majesty's Consular Officer at

Foreign Office, May 19, 1864.

Corfu and to Her Majesty's Minister at Athens, for the purpose of being paid in detail to the several persons entitled to them.

Lists of those persons, under Schedules A and B, are described in the Treaty, which also provides that in January of every year a list of the persons entitled to such pensions shall be delivered by Her Majesty's Minister at Athens to the Greek Government, excepting therefrom the names of such persons as shall have died, or shall have accepted office under the Crown of Great Britain; the latter exception extending, however, only to the cases of persons whose emoluments from the British Crown amount to the full amount of Ionian pensions. If less, a corresponding deduction is to be made in the list. Her Majesty's Consul-General at Corfu has been directed to provide you with the necessary list of pensioners for Schedule A, and you will prepare a list for Schedule B, requiring the pensioners to communicate with you, and to make sufficient declarations of not holding British Government employment, in order that their names may be duly inserted in the lists.

The exception to which I have above alluded, and by which persons accepting office under the British Crown will be debarred from receiving their Greek pensions, has caused much irritation; and as you will perceive by the accompanying copy of a letter from the Colonial Office,* inclosing copies of despatches from Sir H. Storks upon this question, this arrangement is contrary to the rules in force in the Ionian Islands, where the pensions were granted. You will represent to the Greek Government the policy of dealing equitably with the pensioners in question, whom it was not the intention of Her Majesty's Government, in concluding the Treaty, to debar from any privileges to which they were lawfully entitled.

I am, &c.
(Signed) RUSSELL.

No. 4.

Mr. Hammond to Mr. Evans, M.P.

Sir, *Foreign Office, May 31, 1864.*

I AM directed by Earl Russell to acknowledge the receipt of a Memorial addressed to Viscount Palmerston, by certain persons who at present enjoy pensions from the Ionian Government, praying for an assurance from Her Majesty's Government that their pensions shall always be punctually paid; and I am to acquaint you in reply that as the payment by the Greek Government of the amount of pensions granted by the Ionian Government to subjects of Her Majesty has been stipulated for by Treaty in connection with the cession of the Ionian Islands to Greece, Her Majesty's Government could not give any further guarantee on the subject.

I am, &c.
(Signed) E. HAMMOND.

No. 5.

Mr. Farquhar to Earl Russell.—(Received June 20.)

My Lord, *Athens, June 10, 1864.*

THE National Assembly in their session of the 1st instant voted, on the proposition of M. Balbis, the Prime Minister, a credit of 104,117 drachmas ($3,718\frac{1}{2}$ l.), to meet the payments to be made during the first year to the British Minister at Athens, on account of pensions to persons who have been in the service of the Ionian Government, and which are to form a charge upon the revenues of the Kingdom of Greece, according to the Convention signed in London on the 29th of March last.

The sum voted is a few pounds sterling in excess of the amount of the pensions and compensations included under Schedule B in Article I of the Convention.

I have, &c.
(Signed) ERIC FARQUHAR.

No. 6.

Sir H. D. Wolff to Mr. Hammond.—(Received July 5.)

Sir, *36, St. James's Place, July 4, 1864.*

I HAVE the honour to request you to be so good as to move the Secretary of State for Foreign Affairs to cause me to be informed in what manner and at what periods I am

to receive the payments made by the Greek Government on account of the superannuation allowances secured to me by the Treaty with Greece.

I make this application on behalf of Sir Charles Sargent and myself.

I have, &c.

(Signed) H. DRUMMOND WOLFF.

No. 7.

Sir J. Fraser, Sir J. Reid, and Messrs. Blair and Gisborne, to Earl Russell.—(Received July 12.)

My Lord,

July 1864.

MR. HAMMOND'S letter of 31st May, written by your Lordship's directions to Mr. Evans in reply to a Memorial presented by us to Viscount Palmerston in reference to our claims as pensioners of the late Ionian Government, has been communicated to us.

We trust that the engagement entered into by the Greek Government in the Treaty in connection with the cession of the Ionian Islands to Greece will be punctually fulfilled; and, in the event of non-fulfilment, we shall hope for a favourable consideration of our claims to adequate protection.

We have, &c.

(Signed)

J. FRASER, *The Park Cottage, Bath.*

THOS. JOHN GISBORNE, *Holme Hall, Bakewell,*
formerly Secretary to the Ionian Senate.

W. BLAIR, *Avontown, Linlithgowshire, formerly Member*
of the Supreme Council of Justice, Ionian Islands.

J. J. REID, *Mouswold Place, Dumfriesshire, formerly*
Member of the Supreme Council of Justice, Ionian
Islands.

No. 8.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, July 14, 1864.

WITH reference to my despatch to Mr. Scarlett of May 19th last, I transmit to you herewith, for your information, a copy of a letter from certain Ionian pensioners,* expressing the hope that the engagements taken by the Greek Government towards them will be punctually fulfilled.

I am, &c.

(Signed) RUSSELL.

No. 9.

Mr. Erskine to Earl Russell.—(Received August 1.)

My Lord,

Athens, July 22, 1864.

I HAVE the honour to transmit to your Lordship herewith a copy of a note from the Greek Minister for Foreign Affairs, acknowledging the receipt of the lists of Ionian pensioners which were forwarded to me by his Excellency Sir Henry Storks, the late Lord High Commissioner of the Ionian Islands, in conformity with the last paragraph of Article I of the Convention of March 29th last.

I may take this opportunity of mentioning that the Hellenic Government have paid into my hands a sum of 658*l.* 5*s.* 8*d.* sterling, being the amount due under Schedule B of the aforesaid Convention for the month of June last on account of allowances for loss of office.

Most of the persons residing in the Ionian Islands have already received the amounts due to them respectively; and I have taken measures to ascertain the address of those residing elsewhere, who have not yet placed themselves in communication upon the subject with Her Majesty's Legation.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 9.]

M. Calligas to Mr. Erskine.

M. le Ministre,

J'AI eu l'honneur de recevoir et de transmettre à M. l'Eparque de Corfou les listes des pensionnaires, sujets Ioniens, que vous avez bien voulu m'adresser par votre lettre du 8 Juillet.

Agrérez, &c.
(Signé) P. CALLIGAS.

(Translation.)

M. le Ministre,

I HAVE had the honour to receive and to transmit to the Eparch of Corfu the list of pensioners, Ionian subjects, which you have had the goodness to address to me by your letter of the 8th July.

I have, &c.
(Signed) P. CALLIGAS.

No. 10.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, August 10, 1864.

I HAVE received your despatch of the 22nd ultimo, in which you report that the Hellenic Government have paid over to you the sum of 658*l.* 5*s.* 8*d.*, being the amount of the pensions due for the month of June last, under Schedule B of the Convention of the 29th of March last, and with reference to the concluding portion of that despatch I have to state to you that I have caused an extract of your despatch to be published in the "London Gazette," in order that all persons who have not already made arrangements with you for the receipt of their pensions may do so.

I have to add that Sir H. D. Wolff and Sir C. Sargent have inquired as to the mode in which their pensions are to reach their hands, and that I have caused them to be informed in reply that the payments in question are to be made to Her Majesty's Minister at Athens, according to the terms of Article I of the Convention of the 29th of March last; and that they would do well to communicate with you on the subject.

I am, &c.
(Signed) RUSSELL.

No. 11

Mr. Layard to Sir H. D. Wolff.

Sir,

Foreign Office, August 11, 1864.

YOUR letter of the 4th ultimo, addressed to Mr. Hammond, in which you request to be informed at what periods and in what manner you are to receive the compensation allowance to be paid to you by the Greek Government, has been laid before Earl Russell, and I am to state to you, in reply, that payment of the gross amount of allowances granted to yourself and other persons in compensation for the loss of office is to be made to Her Majesty's Minister at Athens at the periods specified in Article I of the Convention of March 29 between Her Majesty and the King of the Hellenes, of which I inclose a copy.

His Lordship desires me to inform you that Mr. Erskine reported on the 22nd ultimo that he had received from the Greek Government the sum due on account of those allowances up to the 30th of June, an extract of which report was published in the "London Gazette" of the 5th instant, to which I am to refer you.

The next payment will be made ten days before the 31st of December next, and future payments half-yearly, ten days before the 30th of June and 31st December in each year; and I am to add that all persons entitled to these allowances should place themselves in communication with Her Majesty's Legation at Athens with the view of making arrangements for the receipt of their pensions.

I am, &c.
(Signed) A. H. LAYARD.

Sir P. Colquhoun to Mr. Layard.—(Received August 18.)

Sir, 3, *Stratford Place, Cavendish Square, August 17, 1864.*
I HAVE the honour to acknowledge the receipt of your communication of the 11th August, transmitted to me by Sir H. D. Wolff and Sir Charles Sargent, informing me of the stipulations contained in the Convention of the 29th March (with which I was, however, already perfectly acquainted), and instructing me "to place myself in communication with Her Majesty's Legation at Athens, with a view to making arrangements for the receipt of my pension."

I had just previously received the communication of which I inclose a copy from Her Majesty's Consul-General at Corfu, together with a declaration also inclosed, which I am called upon to execute, and my reply.

You will perceive that these two communications are diametrically conflicting and irreconcilable.

With respect to the latter, I beg to refer to my reply to Mr. Consul-General Saunders hereunto annexed.

I have the honour to observe that the restrictive proviso in the Convention inserted at the suggestion of Mr. Gladstone, for which I beg to refer you to the inclosed extract, is of itself sufficiently severe.

With respect to the former, it appears not to be competent to me to communicate with a British Minister accredited at a foreign Court, where I am not residing, except through your Department; but apart from this breach of routine, I am at a loss to conceive why a British subject domiciled in Great Britain should be referred to a distant foreign country for the receipt of a pension accruing from an office to which he was appointed through Her Majesty's Secretary of State, in which he was maintained by the same authority, and which office was suppressed by Her Majesty's Government.

It appears to me that I cannot on any principle of justice or equity be exposed to the inconvenience, risk, and difficulty of appointing an attorney at a place like Athens, or to the expense of transmitting money to which I am entitled.

As a British subject I claim to receive that amount, whatever it may be, and, without prejudice, in the same manner as my fellow-subjects drawing pensions, viz., through Her Majesty's Treasury, leaving it to your Department to make such arrangements as you may judge necessary, and of which I decline, directly or indirectly, to assume the responsibility.

I have, &c.
(Signed) P. MAC C. COLQUHOUN.

Inclosure 1 in No. 12.

Consul-General Saunders to Sir P. Colquhoun.

My dear Sir,

Corfu, August 3, 1864.

I HAVE the pleasure to acquaint you that the first instalment of your pension for the period of one month, terminating the 30th of June last, amounting to the sum of 48*l.* 1*s.* 1*d.*, has been remitted by Her Majesty's Minister at Athens, to the Ionian Bank here, payable to my order with a view to facilitate the recovery of the amount on presentation of the required declaration, according to the annexed form.

I am further informed that a similar course will be pursued on subsequent occasions, and you can, therefore, make arrangements with any person whom you may see fit to depute for this purpose, in order that the sums payable from time to time may be drawn by or remitted to you, as may be deemed most convenient.

It being also stipulated under the Convention between Her Majesty and the King of the Hellenes of 29th of March, 1864, that a list of the persons entitled to pensions under Schedules A and B shall be delivered to the Minister for Foreign Affairs of His Majesty the King of the Hellenes, in the month of January of every year, you will lose no time in forwarding the required declarations, at the prescribed periods, in order that such lists may be duly prepared here.

I have, &c.
(Signed) SIDNEY SMITH SAUNDERS.

Inclosure 2 in No. 12.

Ionian Pension Declaration.

APPEARED personally before me this day the Undersigned who, in accordance with the provisions of the Convention between Her Britannic Majesty and the King of the Hellenes signed at London, March 29, 1864, is entitled to receive a pension of pounds shillings and pence sterling (£) per annum, and who makes the following declaration:

I do solemnly and sincerely declare that I have not accepted any office of profit or emolument from the Crown of Great Britain, nor do I hold any British employment,*

And I make this solemn declaration conscientiously believing the same to be true, and further that I do hereby authorize and empower residing at , to receive the amount due to me as aforesaid, for the months ended the , 186 , and to deliver the proper receipt on my behalf.

(Signature.)

Declared before me at this day of , 186 .
(Signature of Magistrate, Consul, or Notary Public.)

Inclosure 3 in No. 12.

Sir P. Colquhoun to Consul-General Saunders.

Sir, 3, Stratford Place, Cavendish Square, August 16, 1864.

I HAVE the honour to acknowledge the receipt of your circular of 3rd August, informing me that you have received from Her Majesty's Legation at Athens the sum of 48*l.* 1*s.* 1*d.*, being the first instalment of my pension for the broken period of a month to the 30th June last past, together with a solemn declaration in lieu of oath, which I am requested to sign.

In reply, I have to inform you that the circular in question in no wise refers to me, as included in Schedule B of the Convention between Her Majesty and the King of the Hellenes, and that I distinctly decline to sign a declaration by which Her Majesty's Government seeks by a side-wind to extend the already unjust provisions of that Convention, framed in direct contravention of the arrangement made in that behalf by myself and others with his Grace the Duke of Newcastle, beyond its express conditions, and to exclude me from holding any British salaried employment, even though it be not dependent on the British Crown.

I have, &c.
(Signed) P. MAC C. COLQUHOUN.

Inclosure 4 in No. 12.

M. Tricoupi to M. Delyanni.

(Translation from the Greek.)
(Extract.)

Athens, February 1, 1864.

I LIKEWISE spoke about the compensations to the employés, who are not entitled to pension. I requested him (Mr. Gladstone) to charge on the English Exchequer the expense thereof. Mr. Gladstone replied that Parliament would not vote a credit for this purpose; but he was of opinion that the amount agreed on for this object might be reduced. That the payment of the compensation might cease on any one entitled accepting a salaried post under the British Government.

No. 13.

Mr. Hammond to Sir P. Colquhoun.

Sir, Foreign Office, August 22, 1864.
LORD RUSSELL directs me to state to you, in reply to your letter of the 17th of August, that arrangements cannot be made for the payment to you through Her Majesty's

* NOTE.—Here insert any exception, adding thereto the words—the amount of salary due to me in respect of which appointment yields me an income not exceeding (state amount) per annum.

Treasury of the allowance which the Greek Government under the Convention of March 29 has agreed to pay to you through Her Majesty's Minister at Athens as a compensation for the loss of your employment in consequence of the union of the Ionian Islands with the Kingdom of Greece; and that there is no such objection as appears to have occurred to you, to your communicating directly with Her Majesty's Minister on the subject, as suggested in Mr. Layard's letter to Sir H. Wolff of the 11th of August, to which you refer.

I am, &c.
(Signed) E. HAMMOND.

No. 14.

Consul Stevens to Earl Russell.—(Received August 25.)

My Lord,

London, August 24, 1864.

I HAVE the honour to submit to your Lordship that having applied to Her Majesty's Consul-General at Corfu for my last quarter's Ionian pension, he has asked me to declare that I have not accepted any office of profit or emolument from the Crown of Great Britain, and that I do not hold any British employment.

I respectfully beg to be permitted to state that a similar declaration can only be exacted from individuals who were in the service of the Ionian Government, and who have been pensioned by a special Convention between Her Majesty and the King of the Hellenes.

The pension I claim is one which I have hitherto been in the receipt of, and which was granted me by the Ionian Government in 1859, on the strength of an Act of the 3rd Ionian Government, which entitles me, by a special clause, to hold any appointment under Her Majesty's Government.

I beg to inclose the form which Mr. Consul-General Saunders asks me to fill up and sign, as well as the one which I formerly used to send; the latter contains the Article of the 3rd Ionian Parliament which I have quoted.

Trusting that your Lordship will admit that my claim to an Ionian pension cannot be disputed, and that you will be pleased to give Mr. Consul-General Saunders instructions to that effect, I have, &c.

(Signed) R. C. M. STEVENS.

Inclosure 1 in No. 14.

Ionian Pension Declaration.

[See Inclosure 2 in No. 12.]

Inclosure 2 in No. 14.

Declaration formerly made by Pensioners under the Ionian Government.

[See Inclosure 2 in No. 22.]

No. 15.

Sir J. Reid to Earl Russell.—(Received August 29.)

My Lord,

Mouswald Place, near Dumfries, August 27, 1864.

I HAVE received a circular letter, addressed by Her Majesty's Consul at Corfu to the British pensioners of the late Ionian Government, in which I am informed that, in accordance with the provisions of the Convention of the 29th May last between Her Majesty and the King of the Hellenes, all subsequent payments of pension are to be made half-yearly, and that I shall not be entitled to claim, and am, therefore, directed not to apply for any payment on account of pension till the 31st December next. Hitherto the Ionian pensioners have been paid quarterly on the expiration of the months of March, June, September, and December, according to the provisions of the Ionian Pension Act (Sec. 29, Act 54, 3rd Parliament).

There could be no reason for subjecting them to a more disadvantageous mode of

payment, and I cannot find anything in the Convention referred to, which, as I respectfully think, a Court of Law would hold to be sufficient for that purpose; on the contrary, it would seem to be its fair construction in regard to them that the first payment to the Consul at Corfu on the 20th June last ought to have been a half-yearly instalment, and that the Greek Government is bound still to make up the difference between such an instalment and the sum actually received, in order that the Consul may have the means of making in detail the usually quarterly payments on the 30th of September next, the subsequent half-yearly payments by that Government being in like manner applicable to the succeeding quarter, as well as to the one on the point of becoming due at the time of each payment.

In the first clause of the Convention it is stipulated that the amount specified in Schedule A "shall be paid by half-yearly instalments to Her Britannic Majesty's Consul at Corfu, for the purpose of being paid in detail to the several persons entitled to the said pensions," and that the first payment "shall be made ten days before the 31st March, 30th of June, 30th September, or 31st December, which may next follow the day of the cessation of the British authority in the Ionian Islands, and afterwards the payments shall be made ten days before the expiration of every subsequent half-year."

From the words of this Convention it certainly cannot be assumed that the "first payment" was meant to be other than one of the half-yearly instalments just before mentioned, and every consideration in point of justice is against such an assumption.

The Islands were to be ceded to Greece; and in such circumstances, there was no hardship in the payment to the Consul at Corfu of a half-yearly instalment on the 20th of June, though the half of it was not to be distributed by him in detail till three months afterwards. In fact, it was a necessary consequence of the plan of half-yearly payments adopted by the Convention that the first payment also should be to that amount, to enable the Consul to continue to pay the pensioners in detail quarterly; and as there was no reason, it must be presumed there was no intention, to interfere with their rights by abrogating the established rule, which is in accordance with the one in force in this country in regard to pensions and superannuation allowances, and the maintenance of which, it would appear, is secured by the Convention itself in the case of Ionian subjects having right to pension from the Greek, as coming in the place of the late Ionian, Government.

For it is further provided that, "Whereas certain Ionian subjects are in the enjoyment of pensions granted to them for services under the Ionian Government, His Majesty the King of the Hellenes undertakes that their rights to such pensions shall be respected, and that they shall duly continue to receive the same."

I shall only presume to add, that even if the meaning of the Convention were doubtful, that sense ought to be given to it which would prevent an unjust and unusual interference with a vested right, to the loss of all the pensioners, and the serious inconvenience especially of those whose pensions are small, and who may be wholly dependent upon them for support.

I have, &c.

(Signed) J. J. REID,

Late Member of the Supreme Council of Justice in the Ionian Islands.

No. 16.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, August 31, 1864.

I INCLOSE herewith for your information, a copy of a letter from Mr. Stevens, Her Majesty's Consul at Jeddah,* together with its inclosures relative to the payment of his Ionian pension; and, under the circumstances stated in that letter, I have to instruct you to represent the case to the favourable consideration of the Greek Government.

I am, &c.

(Signed) RUSSELL.

No. 17.

Mr. Hammond to Sir J. Reid.

Sir,

Foreign Office, September 2, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 27th ultimo, complaining of the arrangements which have been made for the payment of your

Ionian pension by Her Majesty's Consul-General at Corfu, and I am to acquaint you in reply that it was stipulated by the Convention of March 29, between this country and the King of the Hellenes, that payments on account of pensions to those persons named in Schedule A, becoming due on March 31, June 30, September 30, and December 31, first ensuing after the cession of the Ionian Islands to Greece should be paid up to one or other of those days, whatever might be the length of the period antecedent to those days for which the pension was claimable.

It was also stipulated that after the first payment so made, the payments were only to be made half-yearly; and thus those pensioners who have received the amount of pension due on the 30th of June will not be entitled to any further payment on that account till the 31st of December next.

Under these circumstances I am to state to you that Lord Russell is unable to interfere in the matter.

I am, &c.
(Signed) E. HAMMOND.

No. 18.

Mr. Boyd to Earl Russell.—(Received September 9.)

My Lord,

Beverley, Yorkshire, September 6, 1864.

I HAVE received from Her Majesty's Consul-General in Corfu a circular letter dated the 25th July, 1864, addressed to me as an Ionian pensioner, and informing me that in order to receive my pension I must adopt a new form of declaration according to a model transmitted, to the effect that I have not accepted any office of profit or emolument from the Crown of Great Britain, nor do I hold any British employment which may affect the continuance of such pension, in whole or in part, under the IInd Article of the Convention between Her Majesty and the King of the Hellenes dated the 29th March, 1864.

I would respectfully submit to your Lordship's consideration that I ought not to be called on to make such a declaration, and that the IInd Article of the Treaty cannot be held to refer to my case.

By the Ist of the Treaty of the 29th March, 1864, the Ionian pensions of British subjects payable under Schedule A, referred to in the first clause of the said Article, and made payable out of the Customs revenues of Corfu, are secured to them "in pursuance of the established rules in force in the Ionian Islands on the subject of pensions," and the established rule as laid down in the 19th Article of the 55th Act of the third Ionian Parliament is, and has always been, that Ionian pensioners shall have the right of serving Her Majesty, and retain their pensions, but shall not serve any other Government. This rule has, by Mr. Saunders' letter, been reversed, and, if his interpretation of the Convention be held good, I am at liberty to serve any foreign Government and retain my Ionian pension, but debarred from serving my own Sovereign unless I lost it.

After twenty-eight years' continuous service I have been deprived, by the cession of the Ionian Islands to Greece, of the office of Treasurer-General of those States, and the hope of promotion. Under the provisions of the Ionian Pension Law, to which I now appeal, I have lost some years of pensioner's service, not having completed a required period at the date of the cession. I have further been subjected to considerable pecuniary losses in other ways, and I cannot believe that under the very peculiar circumstances of my case, your Lordship would exclude me from further serving Her Majesty, or admit me at the sacrifice of twenty-eight years' previous service and pension contributions.

I have, &c.
(Signed) A. L. BOYD,
Late Treasurer-General of the Ionian States.

No. 19.

Mr. Hammond to Mr. Boyd.

Sir,

Foreign Office, September 13, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 6th instant, in which you complain of the arrangements which have been made for the payment of the Ionian pensions through Her Majesty's Consul-General at Corfu, and in

reply I am to acquaint you that as the manner in which such pensions are to be paid was stipulated by the Convention of March 29 between this country and the King of the Hellenes, Lord Russell is unable to interfere in the matter.

I am, &c.
(Signed) E. HAMMOND.

No. 20.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, September 13, 1864.

I INCLOSE herewith, for your information, a copy of a letter from Mr. A. L. Boyd,* complaining of the conditions attached to the payment of his Ionian pension; and, with reference to my despatch to Mr. Scarlett of the 19th of May upon this subject, I have to instruct you to press for an answer from the Greek Government.

I am, &c.
(Signed) RUSSELL.

No. 21.

Mr. Erskine to Earl Russell.—(Received October 14.)

My Lord,

Athens, October 6, 1864.

I HAVE the honour to transmit to your Lordship herewith the copy of a note from the Greek Minister for Foreign Affairs in reply to the representations which I addressed to his Excellency under the instructions contained in your Lordship's despatches of the 19th of May, 31st of August, and 13th of September last, respecting the interpretation to be given to certain clauses of the Convention of the 29th of March last in regard to Ionian pensions.

M. Delyanni would appear to admit without difficulty that all persons who have contributed to the Ionian Pension Fund and who are legally entitled to a pension according to Ionian law can claim the payment of that pension by the Greek Government, even if their names were not comprised in the list prepared by the Lord High Commissioner under the last paragraph of Article I of the Convention; but his Excellency denies that the exercise of this right can be made the subject of diplomatic discussion, and refers the parties interested to the tribunals of the country in the event of their being dissatisfied with any decision of the Hellenic Government on this head.

With respect, however, to the case of persons in the receipt of Ionian pensions accepting office under the British Crown, and who are debarred on that account from receiving their Ionian pensions, M. Delyanni distinctly refuses to consent to any such modification of the Convention as would enable those persons to draw their pensions whilst holding office under the British Crown. The case of Mr. Stevens, Her Majesty's Consul at Jeddah, referred to in your Lordship's despatch of the 31st of August, is specifically mentioned as one in point, and I presume that the case of Mr. Boyd, although not alluded to by M. Delyanni, must also be looked upon as decided against him in the event of Her Majesty's Government acquiescing in the views entertained by the Greek Government.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 21.

M. Delyanni to Mr. Erskine.

M. le Ministre,

Athènes, le 17⁷/₉ Septembre, 1864,

J'AI eu connaissance de la note que vous avez adressée, le 9 Juillet dernier, à mon prédécesseur, M. Calligas, concernant certaines réclamations auxquelles a donné lieu la Convention conclue à Londres, le 17⁷/₉ Mars, 1864, et je me suis fait un devoir de me livrer à un examen approfondi des questions qui en font l'objet.

Je suis aujourd'hui à même de vous communiquer, M. le Ministre, le résultat de cet examen et les considérations qui y ont amené le Gouvernement du Roi.

* No. 18.

La première question est celle contenue dans les deux requêtes en date du 15 et 19 Avril, adressées à son Excellence le Lord Haut Commissaire Sir Henry Storks, et portant les signatures l'une de dix-neuf employés de Corfou, l'autre de neuf employés de Céphalonie.

D'après le dernier paragraphe de l'Article I de la Convention du 17 Mars, le Ministre de Sa Majesté Britannique à Athènes, après avoir reçu du Lord Haut Commissaire la liste des pensions accordées à des sujets Ioniens, il la remettra au Ministre des Affaires Etrangères de Grèce; après quoi, aucun sujet Ionien n'aura à réclamer de Sa Majesté Hellénique une pension en prétendant qu'il y avait actuellement droit, à moins que son nom n'ait été porté sur la dite liste.

Or, les signataires des pétitions susmentionnées voulaient savoir quelle serait la règle à suivre pour les employés Ioniens dont les noms n'étaient point portés sur la liste des pensionnaires, parcequ'ils n'avaient pas voulu discontinuer leur service, mais qui, néanmoins, avaient déjà obtenu de l'autorité compétente le décret de leur pension, et pouvaient en jouir à leur retraite du service.

Pour résoudre cette question on aurait inutilement recours à la Convention; car celle-ci ne contient aucune disposition concernant les employés Ioniens en fonctions, qui avaient déjà acquis en vertu des lois en vigueur, ou qui pourraient acquérir par la suite, des droits à une pension.

La Convention n'étant donc pas le titre dont ces employés tirent leurs droits, mais bien les lois intérieures des Iles Ioniennes, il n'y a pas de doute que l'exercice de ces droits n'échappe à toute discussion internationale. Le Gouvernement Royal, qui est seul compétent pour régler ses rapports purement nationaux avec les indigènes suivant les lois établies, respectera les dispositions de ces lois en tant qu'elles seraient en vigueur, et il appartiendrait à ceux qui auraient des droits à faire valoir d'après ces lois, de recourir aux moyens autorisés par ces mêmes lois, s'ils n'étaient pas satisfaits de la décision du Gouvernement.

Cette opinion, que le Gouvernement a formé après avoir consulté plusieurs jurisconsultes, s'applique également à ceux qui, ayant accompli le temps de service exigé pour avoir droit à une pension, n'ont pas encore demandé la reconnaissance de ce droit, ainsi qu'à ceux qui n'ont pas encore acquis le droit de retraite. Les uns comme les autres puissent leurs droits dans les mêmes lois locales, et, par conséquent, leurs droits seront réglés d'après les lois qui régiraient les pensions au moment où ils en voudraient profiter.

La seconde question est celle spécialement mentionnée dans le rapport en date du 10 Mai de M. T. F. Elliot à E. Hammond, Esq.

D'après les dispositions de l'Article II de la Convention, les noms de ceux qui ont accepté de la Couronne Britannique des emplois dont la rétribution atteigne le montant de la pension ou de l'indemnité à laquelle ils ont droit, seront retranchés de la liste que le Ministre de Sa Majesté Britannique à Athènes remettra chaque année, dans le mois de Janvier, au Ministre des Affaires Etrangères de Grèce.

Quant à ceux qui ont accepté des emplois dont la rétribution serait moindre que le montant entier des allocations qui leur sont dues, leur pension ou leur indemnité sera réduite en raison des salaires auxquels ces emplois donneraient droit.

Or, il est dit dans le rapport susmentionné, qu'en Angleterre aussi existe une disposition analogue, mais qu'elle diffère de celle contenue dans le Traité en ce sens que, d'après la loi Anglaise, ce n'est pas le montant de la pension, mais le montant de la dernière rétribution de l'employé qui sert de base pour calculer l'allocation à laquelle le pensionnaire pourra avoir droit en rentrant dans le service. En partant de ce principe, on a exprimé le désir d'appliquer aux sujets Britanniques recevant une pension ou une indemnité du trésor Ionien, la règle établie en Angleterre.

L'esprit et la lettre de la Convention sont si claires qu'ils ne laissent le moindre doute à cet égard. Toutefois le Gouvernement du Roi l'a prise en considération comme une proposition nouvelle, et après un mûr examen il a formé la conviction que le principe établi dans la Convention n'est point, de la part de la Grèce, le résultat d'une erreur, mais bien la consécration d'une disposition semblable existant dans la législation du pays en matière de pension.

En effet, M. le Ministre, d'après l'Article 126 de la Loi du 1 Octobre, 1852, sur la comptabilité du Royaume, personne ne saurait recevoir simultanément une pension et un traitement; si le traitement est supérieur à la pension, celle-ci cesse d'être fournie; si le traitement et la pension sont de la même somme, le pensionnaire a la faculté du choix entre ces deux allocations.

Il est donc évident que, d'après la législation Grecque, que le Gouvernement Hellénique avait en vue lorsqu'il avait proposé, dans le cours des négociations, la clause qui a été insérée dans la Convention, ce n'est pas le montant du traitement dont jouissait l'employé

lors de sa retraite, mais le montant de sa pension ou de son indemnité qui doit être pris comme base de la compensation à faire entre le traitement et la pension.

En présence de semblables considérations le Gouvernement du Roi se trouve dans l'impossibilité d'accéder à une modification de la Convention; car cette modification rendrait non-seulement nécessaire la révision de la Convention entière, ce qui amènerait une nouvelle discussion dans le sein de l'Assemblée Nationale, mais encore elle établirait un principe diamétralement opposé à la législation Hellénique.

La dernière question mise en avant par les pièces annexées à votre note est l'incompatibilité apparente entre les dispositions de l'Article II de la Convention et les Articles 15 et 19 de la Loi *AA'*, du 25 Mai, 1830, et de celle *NE'*, du 18 Mai, 1832.

En effet, d'après les lois Ioniennes précitées, toute personne recevant une pension du Trésor Ionien ne pourrait accepter aucun emploi, soit du Gouvernement Ionien, soit d'un Gouvernement étranger, à l'exception, toutefois, du Gouvernement de la Puissance Protectrice. Tandis que, sans égard à cette exception, l'Article II de la Convention dit que les pensionnaires sujets Anglais, qui accepteraient un emploi de la Couronne Britannique, au lieu de rester dans la pleine jouissance de leurs pensions, n'en toucheraient que la différence entre le montant de leur nouvelle place, si ce traitement est inférieur à la pension, ou bien s'il en est supérieur ou égal, ils n'en recevraient rien.

A cette catégorie appartient la réclamation de Mr. Richard Stevens, Consul de Sa Majesté à Jeddah, qui a fait l'objet de la note que vous m'avez fait l'honneur de m'adresser le 16 Septembre.

Mais l'incompatibilité signalée plus haut entre les lois Ioniennes et la Convention n'en est point une quand on songe que, par les stipulations de cette dernière, toute disposition préexistante en faveur des pensionnaires sujets Anglais a été abrogée. Leurs obligations et leurs droits n'ont plus rien à faire avec les lois Ioniennes; leur unique titre c'est la Convention, aux garanties de laquelle ils ont voulu se soumettre. Si dans la balance de ces obligations et de ces garanties, il a été fait abstraction du privilège accordé par la législation Ionienne aux charges émanant de la Puissance Protectrice, la raison en est évidente: c'est qu'après l'union des Iles Ioniennes à la Grèce, le Gouvernement de Sa Majesté Britannique a cessé d'être le Gouvernement de la Puissance Protectrice, et que par conséquent le traitement exceptionnel sur lequel se trouvaient reposer à ce titre ses relations avec les Iles n'avait plus de raison d'être.

En portant à votre connaissance les considérations qui précèdent, j'aime à espérer que vous les trouverez parfaitement fondées.

Agrez, &c.

(Signé) THEODORE P. DELYANNI.

(Translation.)

M. le Ministre,

Athens, September $\frac{17}{29}$, 1864.

I HAVE had under my consideration the note which you addressed on the 9th of July last to my predecessor, M. Calligas, respecting certain claims to which the Convention concluded in London on the $\frac{17}{29}$ th of March, 1864, has given rise, and I have made it my duty to devote myself to a thorough examination of the question of which it treats.

I am now in a position, M. le Ministre, to communicate to you the result of this examination, and the considerations which have led the Royal Government to this result.

The first question is that contained in the two petitions, dated respectively the 15th and 19th April, addressed to his Excellency the Lord High Commissioner, Sir Henry Storks, and bearing the one the signatures of nineteen employés of Corfu, and the other those of nine employés of Cephalonia.

According to the last paragraph of Article I of the Convention of the $\frac{17}{29}$ th of March, the Minister of Her Britannic Majesty at Athens, after having received from the Lord High Commissioner the list of pensions granted to Ionian subjects, will deliver it to the Greek Minister for Foreign Affairs; after which no Ionian subject will be entitled to demand a pension from His Hellenic Majesty, by pretending that he had actually a right to it, unless his name shall have been inscribed on the aforesaid list.

Now, the signers of the above-mentioned petitions wished to know what rule should be followed with regard to Ionian employés whose names were not on the list of pensioners because they had not been desirous of discontinuing their service, but who had, nevertheless, obtained the order for their pension from the competent authority, and could enjoy it on their retirement from the service.

In order to solve this question, it would be useless to have recourse to the Convention, as it contains no stipulation with regard to Ionian employés in the service who had already

by virtue of the laws in force acquired rights to a pension, or who might eventually do so. The Convention, then, not being the source from which the employés derive their rights, but the internal laws of the Ionian Islands, there is no doubt that the exercise of these rights is not a subject for international discussion. The Royal Government, which alone is competent to regulate its purely national relations with native subjects according to the established laws, will respect the provisions of those laws so far as they may be in force, and it will, for those who have rights to maintain in accordance with those laws, have recourse to the means authorised by such laws if they should not be satisfied with the decision of the Government.

This opinion, which the Government has formed after having consulted several jurists, is equally applicable to those who, having served the time requisite to give a right to a pension, have not yet demanded the recognition of such right, and to those who have not yet acquired the right of retirement. Both the one and the other found their rights upon the same local laws, and, consequently, their right will be regulated in accordance with the laws which may govern pensions at the time they may wish to avail themselves of them.

The second question is that specially mentioned in the Report, dated the 10th of May, from Mr. T. F. Elliot to Mr. E. Hammond.

According to the stipulations of Article II of the Convention, the names of those who have accepted from the British Crown offices whose remuneration is equal to the amount of the pension or compensation allowance to which they are entitled are to be withdrawn from the list which the Minister of Her Britannic Majesty at Athens will deliver every year, in the month of January, to the Greek Minister for Foreign Affairs.

With regard to those who have accepted offices whose remuneration is less than the total amount of the allowances due to them, their pension or indemnity will be abated by the amount of the salaries to which those offices may entitle them.

Now, it is stated in the above-mentioned Report that there exists in England also an analogous arrangement, but that it differs from the one contained in the Treaty in this way, that, according to the English law, it is not the amount of the pension, but the amount of the last salary received by the employé, which serves as a basis for calculating the allowance to which the pensioner will be entitled on re-entering the service. Starting from this principle, the desire has been expressed to apply the rule established in England to British subjects receiving a pension or a compensation allowance from the Ionian Treasury.

Both the spirit and the letter of the Convention are so clear that they do not leave the slightest doubt on this point. The Government of the King has, however, taken it into consideration as a new proposition, and after mature examination has arrived at the conviction that the principle laid down in the Convention is not, on the part of Greece, the result of an error, but the carrying out of a similar provision existing in the legislation of the country with regard to pensions.

In fact, M. le Ministre, according to Article 126 of the Law of October 1, 1852, on the accounts of the kingdom, no person can receive a pension and a salary at the same time; if the salary be higher than the pension the latter ceases to be paid; if the salary and the pension are equal in amount the pensioner is at liberty to choose between the two allowances.

It is evident, then, that, according to Greek legislation, which the Hellenic Government had in view when it proposed, in the course of the negotiation, the clause which was inserted in the Convention, it is not the amount of the salary enjoyed by the employé at the time of his retirement, but the amount of his pension or of his compensation allowance, which should be taken as the basis for the compensation to be made between the salary and the pension.

In view of such consideration the Government of the King finds it impossible to accede to a modification of the Convention, for such modification would not only render necessary the revision of the entire Convention, and thus lead to a fresh discussion in the National Assembly, but would, moreover, establish a principle diametrically opposed to Hellenic legislation.

The last question brought forward in the documents annexed to your note is the apparent incompatibility between the provisions of Article II of the Convention, and Articles 15 and 19 of the Law *AA'*, of the 25th of May, 1830, and of Law *NE'*, of the 18th of May, 1832.

According to the aforesaid Ionian laws, no person in the receipt of a pension from the Ionian Treasury may accept any employment either from the Ionian Government or from any foreign Government, with the exception, however, of the Government of the protecting Power. Whilst, without regard to this exception, Article II of the Convention states that pensioners who, being English subjects, may accept employment from the British Crown,

instead of remaining in the full enjoyment of their pensions are to receive only the difference between them and the salary of their new place if the salary be inferior to the pension; or if, on the other hand, it be higher or equal to it in amount, they are to receive nothing.

To this category belongs the claim of Mr. Richard Stevens, Her Majesty's Consul at Jeddah, which was the subject of the note which you did me the honour to address me on the 16th of September.

But the incompatibility, above pointed out, between the Ionian laws and the Convention disappears when we consider that, by the stipulations of the latter, every arrangement previously existing in favour of pensioners who are English subjects has been abrogated. Their obligations and their rights have no longer any connection with Ionian laws; their sole title is the Convention, to the guarantees of which they have consented to submit. If in the balance between these obligations and these guarantees, the privilege accorded by the Ionian legislation to the employments held under the protecting Power has been withdrawn, the reason is evident—it is because, after the union of the Ionian Islands to Greece, the Government of Her Britannic Majesty has ceased to be the Government of the protecting Power, and, consequently, there was no longer any reason for the existence of the exceptional treatment upon which rested its relations with the Islands in that character.

In bringing before you the preceding considerations I venture to hope that you will find them perfectly well founded.

I have, &c.
(Signed) THEODORE P. DELYANNI.

No. 22.

Sir F. Rogers to Mr. Hammond.—(Received October 18.)

ir,

Downing Street, October 17, 1864.

I AM directed by Mr. Secretary Cardwell to transmit to you the annexed copy of a letter from Mr. A. F. Boyd, complaining that certain provisions of the Convention with respect of the 29th March act detrimentally to the rights (which he considers are legally required) of persons whose pensions are paid from Ionian Islands funds.

In consequence of a previous letter from this Department, dated 10th May, in which this subject was then brought before him, Lord Russell directed the Honourable C. Scarlett to make an application to the Greek Government. Mr. Cardwell would be glad to be apprized of the result of this application as soon as it is known.

It appears to Mr. Cardwell to be a matter for consideration whether Article II of the Convention exactly corresponds with the VIIIth Article of the Treaty, and secures as great advantages to the holders of office as the Treaty by itself would have secured; and whether, considering the terms of the Treaty and of the Ionian Act, it may not be well when to Earl Russell to contend for the claim as advanced by Mr. Boyd. But even upon the terms of the Convention, it appears that the declaration which pensioners are called upon to sign by the Consul-General should not be so framed as to preclude them from holding any British employment, but should be confined to employment under the British Crown.

I am, &c.
(Signed) FREDERIC ROGERS.

Inclosure 1 in No. 22.

Mr. Boyd to Mr. Cardwell.

2, Queen's Road, St. John's Wood, September 30, 1864.

AS an old servant of the Colonial Department, I venture to bring the following case under your consideration, and to solicit your protection. I appealed to Earl Russell, and was informed in reply that his Lordship could not interfere. Had he been aware of all the facts which I now submit to you, his Lordship's decision might have been different, for I cannot believe that rights legally acquired can be set aside.

I held the office of Treasurer-General, and other offices under Her Majesty's Lord High Commissioner in the Ionian Islands, for nearly twenty-eight years. On the cessation of the British Protectorate in June 1864, my office ceased, and I retired on a pension legally acquired by length of service and money contributions, in terms of Ionian Law, to the Ionian Pension Fund. This Pension Fund was originally a private fund, the property of the contributors, was administered by public officers, *ex officio* trustees of the fund,

liable as such to civil process; and remained so until the Ionian Government, under the authority of Act No. 27 of the 4th Ionian Parliament, took possession of the accumulated capital of the fund, applied it to the relief of the currant growers in the Islands of Cephalonia, Zante, and Ithaca, abolished the administration of the trustees, whose attributions, it was declared, devolved on the General Government of the Ionian Islands, and by Article 15 of the Act formally guaranteed the payment of pensions to Ionian servants, in the terms of the Ionian Pension Law.

By the Convention between Her Majesty and the King of the Hellenes, dated the 29th March, 1864, British subjects entitled to pension, and those to whom compensation allowances were granted for loss of office, were divided into two classes, vide Schedules A and B. To the first pensions were secured "in pursuance of the established rules in force in the Ionian Islands on the subject of pensions."

By the accompanying printed form, which is an extract from the 55th Act of the third Ionian Parliament, it will be seen that the "established rule in force" was, that no pension under the Act could be paid to any individual in the service of the Ionian Government, or of any foreign Government, except that of His Majesty the Sovereign Protector; and as by the first clause in Article I of the Convention my pension, under Schedule A, is to be paid to me in pursuance of the "rules in force in the Ionian Islands," I submit that the restriction imposed by Article II of the Convention, whereby any pensioner accepting office under the British Crown forfeits the whole or a portion of his pension, is legally inapplicable to Ionian public officers who have acquired pensions by length of service, by regular stoppages from salary, and on certain conditions, one of which is the right to receive pension whilst holding office under the British Crown.

The Ionian pensions, under Schedule A, are by the Convention itself made distinct from those under Schedule B. The former are legally acquired rights, the latter are compensations granted for loss of office. But Article II, in the Treaty in contradiction to the first, places both on the same footing. How is this discrepancy to be reconciled? There is nothing common to these pensions. The pensions under Schedule A are made direct charges on the Customs duties of Corfu and the other Ionian Islands, and payable through Her Majesty's Consul-General at Corfu. Those under Schedule B form a charge upon the revenues of the Kingdom of Greece, and are payable through Her Majesty's Minister at Athens, and I would submit that the stipulations in Article II of the Convention refer to Schedule B and not to Schedule A, and that the two have been inadvertently confounded: otherwise the position in which I am placed is, that by Ionian rules I am precluded from serving any foreign Government; by the Convention of the 29th March, 1864, I am precluded from serving my own Government, but not any foreign Government; and by the Declaration which Her Majesty's Consul-General at Corfu call upon me to sign I am precluded from holding any British employment whatever. It is doubtful what this last condition may mean.

I cannot believe that this Convention with Greece bears the interpretation, and the rights acquired in the terms of law, and guaranteed by the Convention itself, can be set aside, or that Her Majesty's Government will permit an old public servant to be impeded in his career in life, and especially under the very peculiar circumstances in which he loses his office.

I have, &c.
(Signed) A. F. BOYD,
Late Treasurer-General of the Ionian Islands.

Inclosure 2 in No. 22.

Article 33 of Act No. 55 of the Third Ionian Parliament.

(Translation.)

THE pensions shall be paid to the parties themselves on production of an attestation sworn before the Executive Police of their identity, and of their not being at the time in the service of the Ionian or of any other Government except that of His Majesty the Sovereign Protector. They may be paid to their attorneys on production of a similar attestation made by the parties entitled to pensions, sworn before the Executive Police of that island of those States in which they may be resident, or before the local magistrate if within the dominions of His Majesty the Sovereign Protector, or, if abroad, before the British Consul or Vice-Consul in the place of their domicile, or in the absence of such before the local magistrate where there may not be a Consul or Vice-Consul of a friendly nation.

Translation.)

Attestation for the receipt of Retiring Pensions from the Fund established for the Functionaries, Officials, and Employés of the Ionian Government, in conformity with the prescription of Article 33 of the Act 55 of the Third Parliament of the United States of the Ionian Islands, dated 1st May, 1832, which Article is reprinted at the back of this paper for guidance of those who are entitled.

Signor _____ appeared before me and declared that from
to _____ *he is entitled to demand of the Ionian Government the
sum of _____ l. _____ s. _____ d. sterling (No. _____ l. _____ s. _____ d. according to the
Ionian Monetary Tariff), being the amount of his pension for the said period, at the rate
of _____ l. _____ s. _____ d. per annum, granted to him by the above-mentioned Act; also, that
during the period above-mentioned he has not held any employment either under the
Ionian Government, or under that of any other nation except

[Pensioner's signature.]

Confirmed on oath before me as above.

[Place and date]

18 .

[Signature and rank of the authority issuing the attestation.]

No. 23.

Mr. Erskine to Earl Russell.—(Received December 24.)

My Lord,

Athens, December 15, 1864.

AT the request of Mr. Stevens, Her Majesty's Consul at Jeddah, I transmit herewith a letter addressed by that gentleman to your Lordship on the subject of his right to hold office under the British Crown whilst in the receipt of the pension conferred upon him for his services in the Ionian Islands.

I have taken advantage of the appointment of a new Greek Foreign Minister to urge the reconsideration of Mr. Stevens' claim; but, although I found M. Boudouris apparently favourable to the view which I was directed by your Lordship to take, I can scarcely flatter myself that he will rescind the decision arrived at by his predecessor, unless Her Majesty's Government should see fit to authorize me to demand officially the recognition of Mr. Stevens's right to his pension whilst in the service of Her Majesty's Government.

It is very desirable that an early decision should be taken in this matter, in order that I may know whether I am to insert the name of Mr. Stevens in the list of persons to whom the Greek Government are bound by Treaty to pay pensions in the course of next month.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 23.

Consul Stevens to Earl Russell.

My Lord,

Piræus, December 12, 1864.

I HAVE recently applied to Her Majesty's Minister at Athens to favour me with any information he might have as to the result of an application which I had the honour to make to your Lordship in September last, on the subject of my Ionian pension.

Mr. Erskine informs me that the Greek Minister for Foreign Affairs maintains that the late Convention with Greece respecting pensions of British subjects abrogates the Ionian laws which refer to them, and infers that by the dispositions of the Convention itself I am excluded from the right of receiving my pension whilst serving Her Majesty's Government.

I respectfully beg to submit to your Lordship that, having served the Ionian Government for twenty years, and having, in accordance with the laws of the Ionian States, contributed a yearly sum of money during the whole time I served towards the Pension Fund, I acquired the right of retiring from that service with a pension proportionate to the salary I had been receiving.

* The pensions are payable every three months, that is to say, at the end of the months of March, June, September, and December, of each year.

In 1859, I retired from the Ionian service, accepted my pension, and entered the Consular Department, and on the strength of Article XIX, Act 60, session 3 of the 3rd Ionian Parliament, which declares that "no functionary shall contemporaneously receive a pension as well as a salary from the Ionian or any other Government, excepting that of the protecting Sovereign," my pension, which amounts to 159*l.* a year, was regularly paid to me by the Ionian Treasury up to the 31st of last March.

Such being the case, I venture to observe that the Convention to which the Greek Minister refers can never have been stipulated for the purpose of injuring rights already acquired by British subjects; it was intended to secure them on the grounds on which they were given, and less can I ever be induced to admit that even if any clause of that Convention could possibly bear two constructions the one to be chosen would be that which would tend to establish a theory subversive of all principles of law, *i.e.*, that a law can have retroactive effects.

Article II of the Convention alluded to states that, in the month of January of every year, Her Majesty's Minister at Athens shall deliver to the Greek Minister for Foreign Affairs a list of the persons entitled to pensions, after withdrawing from the list of the preceding year the names of such persons as shall have accepted offices from the Crown of Great Britain.

The Greek Minister seems inclined to apply this Article to my case. I willingly accept it in the only sense it can bear—namely, that all those whose pensions have not been granted on the strength of Ionian law, and whose names have been included in the Convention, and who after its date enter the British service, forfeit their claims to the pension during the time they are in the receipt of a salary.

The Minister for Foreign Affairs seems to have forgotten that the Treaty by which the three Protecting Powers ceded the Ionian Islands to Greece declares that the pensions of all British subjects acquired on the strength of Acts of the Ionian Parliament are guaranteed by the King of the Hellenes.

The month of January is approaching, and Mr. Erskine, unless instructed to the contrary by your Lordship, may exclude my name from the list he will have to send in to the Greek Government. This would render my case from a simple one, which it now is, a complicated one. To deprive me of my pension whilst serving under your Lordship would be the same as to deprive me of any real property I possess. I, therefore, have no alternative than to respectfully apply again to your Lordship, with the conviction that the brief statement I have here made on the merits of my case will induce your Lordship to take it into consideration on public grounds, and in time to prevent any injury to my rights and interests.

I have, &c.

(Signed) R. C. M. STEVENS.

No. 24.

Sir P. Colquhoun to Earl Russell.—(Received January 6.)

My Lord,

3, Stratford Place, Cavendish Square, January 5, 1865.

I HAVE the honour to inquire of your Lordship whether the Hellenic Government has been able to perform the undertaking given to Her Majesty's Government by Convention of 29th March, 1864, to pay over for myself, among others, a certain sum of money, &c., to Her Majesty's Minister at Athens ten days before the expiry of the year 1864, and, in such case, what forms I have to adopt to obtain possession of the sum assigned to me under the responsibility of Her Majesty's Government.

I have, &c.

(Signed) P. MAC C. COLQUHOUN.

No. 25.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, January 10, 1865.

I HAVE received your despatch of the 15th of December, inclosing a letter from Mr. Stevens respecting his claim to be allowed to receive his pension for services under the late Ionian Government, notwithstanding his being in the receipt of salary from Her Majesty's Government.

At the date of your despatch you were still in communication with the Greek Government on the subject; and I have not heard from you whether you have succeeded in inducing the Greek Minister to take an equitable view of this and similar cases. I say an equitable view, because it cannot be doubted that whatever may be the construction attaching in strictness to the literal terms of the Convention, these cases are deserving of liberal consideration.

They are not cases of ordinary pensions allotted by a State absolutely from its revenues, without any previous contribution having been received from the pensioners in anticipation of the assignment of their pensions; but they are the result of contributions made by the parties while in active service for the creation of a fund for providing retiring allowances for them when they ceased from active service.

The pension fund thus formed was, in the first instance, a private fund, the property of the contributors, administered by public officers, who were *ex officio* trustees of the fund. But the Ionian Government, requiring the use of the capital of the accumulated fund, abolished the administration of the trustees, and substituted, in lieu thereof, that of the General Government of the Ionian Islands, and at the same time guaranteed the payment of pensions to Ionian servants according to the terms of the Ionian Pension Law. This law provided that no pension should be paid to any individual in the service of the Ionian Government, or of any foreign Government, except that of His Majesty the Protecting Sovereign.

But so long as these exceptions were observed, the claims of the contributors to the original fund could not be weakened by the alteration of the system by which it was administered; and as the original trustees were liable, so also the substituted trustees, that is, the Ionian Government itself, became liable to the payment of pensions from the fund subject to the terms of the guarantee entered into on the transfer of the trust.

Whatever, therefore, as I have said, may be the strict interpretation of the Convention, there can be no doubt that, morally speaking, a pension payable under the Ionian law by which the administration of the pension fund was transferred to the Ionian Government, should not be invalidated by the circumstance that any pensioner also holds employment under the British Government; and Her Majesty's Government trust that on the case being fairly represented to the Greek Government, that Government will be disposed to deal liberally with such cases, and no longer entrench itself behind a literal interpretation of the terms of the Convention.

I am, &c.
(Signed) RUSSELL.

No. 26.

Mr. Hammond to Sir P. Colquhoun.

Sir,

Foreign Office, January 11, 1865.

IN reply to your letter of the 5th instant, I am directed by Earl Russell to acquaint you that nothing has been heard from Mr. Erskine as to the instalment being paid by the Greek Government of the half-year's pension due to you under the terms of the Convention of March 29, 1864, between Her Majesty and the King of the Hellenes: and that, as you have already been apprised, you must place yourself in communication with Her Majesty's Legation at Athens with a view of making arrangements for the receipt of your pension.

I am, &c.
(Signed) E. HAMMOND.

No. 27.

Sir P. Colquhoun to Mr. Hammond.—(Received January 18.)

Sir,

3, Stratford Place, Cavendish Square, January , 1865.

IN reply to your letter of the 11th instant, in answer to my application of the 5th, I have the honour to remark that I fear you have misunderstood the latter communication.

On the 11th of August, 1864, Mr. Layard informed me,—

“His Lordship (Earl Russell) desires me to inform you that Mr. Erskine reported no the 22nd ultimo (July), that he had received from the Greek Government the sum due

on account of those allowances up to the 30th June, an extract of which Report was published in the 'London Gazette' of the 5th instant, to which I have to refer you."

In my letter of the 5th instant I ask whether Her Majesty's Minister at Athens had announced the payment of the second instalment, and you inform me that,—

"Nothing has been heard from Mr. Erskine as to the instalment having been paid by the Greek Government of the half-year's pension due to you under the terms of the Convention of March 29, 1864, between Her Majesty and the King of the Hellenes."

I am unable to understand Mr. Erskine's silence except on the assumption that the Greek Government has made default as to this instalment.

I also requested to be informed what form of declaration (if any) I am to adopt to satisfy the requirements of the Convention, for which I am now referred to an employé who is dependent on your Department for his instructions.

With regard to the first question, you will readily conceive my unwillingness to find Mr. Erskine compelled to dishonour my draft by reason of his not having received the fund. And with regard to the second, I naturally crave the courteous assistance of the principal authority with whom the execution of the terms of this Convention rests.

I have therefore the honour to inquire whether the inclosed Statutory Declaration will be held to be sufficient, and in such case to request that you will kindly transmit the same to Her Britannic Majesty's Minister at Athens.

I have, &c.
(Signed) P. MAC C. COLQUHOUN.

Inclosure in No. 27.

Declaration.

I, PATRICK MAC CHOMBAICH DE COLQUHOUN, of 3, Stratford-place, in the County of Middlesex, Knight, LL.D., late a Member of the Supreme Council of Justice of the Ionian Islands, do hereby solemnly and sincerely declare that I have not "accepted office of the Crown of Great Britain."

And I make this solemn Declaration conscientiously, believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth years of the Reign of His late Majesty King William IV, intituled "An Act to repeal an Act of the present Session of Parliament, intituled an Act for the more effectual abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

(Signed) P. COLQUHOUN.

Taken and declared before me,

(Signed)

JOHN WRAY, *Justice of the Peace for the five Metropolitan Counties.*

January 14, 1865.

No. 28.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, January 30, 1865.

WITH reference to the arrangement which was made with the Greek Government for the payment of compensation allowances to certain gentlemen for the loss of the offices they held in the Ionian Islands, I have to instruct you, if any delay should occur at any time in placing at your disposal at the appointed periods the funds required for such payments, to urge upon the Greek Government the necessity of punctually fulfilling their Treaty engagements in that respect.

I am, &c.
(Signed) RUSSELL.

No. 29.

Mr. Hammond to Sir P. Colquhoun.

Sir,

Foreign Office, January 30, 1865.

WITH reference to your letter dated January, I am directed by Earl Russell to acquaint you that Her Majesty's Minister at Athens will be instructed, if occasion should

arise, to press upon the Greek Government the necessity of strictly fulfilling their Treaty engagements in regard to placing at his disposal at the specified periods the sums required for the payment of pensions and allowances due under Treaty; but as regards the course which you should take for obtaining in Athens the sums which may be periodically due to you, and the declaration which may be required by the Greek Government, I am again to refer you to Her Majesty's Minister at Athens.

The pensions and allowances are issued from the Greek Treasury, and all that Her Majesty's Government can do is to provide as far as may be in their power for such issues being punctually made at the appointed time.

I am, &c.
(Signed) E. HAMMOND.

No. 30.

Sir P. Colquhoun to Earl Russell.—(Received February 9.)

My Lord, 3, Stratford Place, Cavendish Square, February 8, 1865.

I HAVE the honour to invite your Lordship's attention to the fact of six weeks having elapsed since the amount due to me under the Convention of March 1864, should have been passed to the credit of Her Majesty's Minister at Athens, and of no such payment having been effected by the Hellenic Government according to information received thence under date the 1st instant, and Mr. Hammond's official letter of the 30th ultimo.

Since delays and defaults of this nature have ever been the rule, and not the exception, on the part of the Hellenic Government, I beg respectfully to invite the serious attention of Her Majesty's Government to this question in the terms of the letter of the 30th ultimo above referred to.

As the maladministration of Greece in general, and the hopeless state of her financial department in particular, is not only as well known to Her Majesty's Government as to myself, but is also a matter of public notoriety, serious alarm must necessarily arise in the mind of all persons having claims on that exchequer. Having submitted my claims professionally to several of the most eminent actuaries independently, those gentlemen have been unable to assign any value to them whatever.

I have therefore the honour to submit the necessity of some steps being taken in Parliament for securing these precarious payments to British subjects, and most respectfully to urge on your Lordship the justice of making these allowances payable at Her Majesty's Treasury, like other British pensions.

I have, &c.
(Signed) P. MAC C. COLQUHOUN.

No. 31.

Mr. Elliot to Mr. Hammond.—(Received February 24.)

Sir, Downing Street, February 24, 1865.

WITH reference to my letter of the 17th of October last, and to the letter which accompanied it from Mr. A. F. Boyd, submitting that the rights of the pensioners paid from Ionian funds were infringed by the IInd Article of the Convention of the 29th of March, 1864, I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, a further letter from Mr. Boyd reverting to the subject.

I am desired to request to be favoured with an intimation of the result of any correspondence which may take place on this subject.

I am, &c.
(Signed) T. FREDK. ELLIOT.

Inclosure in No. 31.

Mr. Boyd to Mr. Cardwell.

Sir, Beverley, Yorkshire, February 10, 1865.

ON the 30th September last I had the honour of addressing you on the subject of the pension which I received from the Ionian Government, and, as an old officer of the

Colonial Department, of invoking your protection against the hardship, and, under Ionian law, illegality, of being excluded by the Convention of the 29th March, 1864, between Her Majesty and the King of the Hellenes from further serving Her Majesty unless with the loss of my Ionian pension, to obtain which I contributed to the Ionian Pension Fund for twenty-eight years. I submitted to you that by the 33rd Article of the 55th Act of the 3rd Ionian Parliament, I was entitled to retain my Ionian pension and serve Her Majesty; that by the Convention of the 29th March, 1864, my pension was granted to me on the cessation of the British Protectorate of the Ionian Islands, "in pursuance of the established rules in force in the Ionian Islands on the subject of pensions," while by the IIInd Article of the same Treaty these rules were set aside, and I was deprived of the advantages which the Ionian laws assured to me. I submitted further that the Ionian Pension Fund was a private fund, taken possession of with the sanction of Her Majesty's Government, and applied to the public service, and that no conditions could be imposed on the contributors to the fund beyond those contained in the Ionian Pension Law.

On the 15th October, Sir Frederick Rogers informed me that reference on the subject had already been made to the Greek Government, and that my letter had been communicated to the Foreign Office.

Since that date I have received no further communication on this subject. I have been obliged to decline the offer of an appointment at Malta made to me by Sir Henry Storks, and the Consul-General at Corfu obliges me to declare that I hold no British employment whatever before I receive my Ionian pension. I am thus excluded from all employment, both public and private, unless at a sacrifice which I do not think that I can fairly or legally be called upon to make, and I again solicit your consideration of a case of hardship which I do not believe Her Majesty's Government contemplated when the Convention of the 29th of March, 1864, with Greece was signed.

I have, &c.
(Signed) A. F. BOYD.

No. 32.

Mr. Hammond to Sir P. Colquhoun.

Sir,

Foreign Office, February 27, 1865.

LORD RUSSELL desires me to state to you that he has deferred replying to your letter of the 8th instant until he heard from Her Majesty's Minister; and having now done so, his Lordship directs me to acquaint you that it appears that the compensation allowances under Schedule B were paid on the 7th of February, and that up to yesterday all the claimants had received their money except two who had not applied for it.

Mr. Erskine gives no explanation of the cause of delay in making the payment before the 7th, but he will be instructed, as indeed he has already been, to press the Greek Government to make the payments regularly when they become due.

As regards your request that the allowances under Schedule B may be made payable at Her Majesty's Treasury like other British pensioners, I am to state to you that these allowances not being British pensions cannot be made payable at the British Treasury.

I am desired to remind you that the Ionian States, though under the Protectorate of the British Crown, were not a British possession.

I am, &c.
(Signed) E. HAMMOND.

No. 33.

Mr. Hammond to Mr. Elliot.

Sir,

Foreign Office, February 28, 1865.

IN reply to your letter of the 24th instant, inclosing a copy of one from Mr. Boyd, containing observations respecting the effect of the Convention of the 29th of March, 1864, on the rights of Ionian pensioners, I am directed by Earl Russell to transmit to you, for the information of Mr. Secretary Cardwell, the accompanying copy of an instruction, founded upon the opinion of the Law Officers of the Crown, which has been addressed to Her Majesty's Minister at Athens upon this subject.*

I am, &c.
(Signed) E. HAMMOND.

No. 34.

Mr. Erskine to Earl Russell.—(Received March 1.)

My Lord,

Athens, February 13, 1865.

I HAVE the honour to report that the Greek Government have paid to Mr. Consul-General Saunders and to this Legation the pensions and compensations enumerated in Schedules A and B of the Convention of March 29th last, amounting to 3,438*l.* 11*s.* 8*d.* and 1,361*l.* 6*s.* respectively.

With two exceptions, viz., Sir Patrick Colquhoun and Stannato Dendro, the whole of the parties concerned have already claimed and received the sums due to them, and I shall not fail to settle with the remainder as soon as I can ascertain to whom their allowances are to be paid.

I have, &c.
(Signed) E. M. ERSKINE.

No. 35.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, March 1, 1865.

I RECEIVED on the 26th instant a telegram from you dated Athens that day, but identical with that which you state that you sent on the 14th, announcing that you had received on the 7th of February the compensation allowances payable under Schedule B, but neither in that despatch nor in your previous despatch of the 13th of February, do you give any explanation of the reason why the sum required for these allowances was not placed at your disposal, as provided by the terms of the 1st Article of the Treaty of the 29th of March, 1864, ten days previously to the 31st of December.

I have to instruct you to state to the Greek Minister that Her Majesty's Government would be glad to receive some explanation as to the cause of this delay; and you will express the hope of Her Majesty's Government that for the future the payments may be punctually made at the specified period.

I am, &c.
(Signed) RUSSELL.

No. 36.

Sir P. Colquhoun to Earl Russell.—(Received March 9.)

My Lord,

3, Stratford Place, Cavendish Square, March 7, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's communication of the 27th ultimo, informing me that the compensation allowances under Schedule B of the Treaty of March, 1864, have been paid.

I am also informed that Her Majesty's Minister at Athens has been instructed to press the Greek Government to make the payments regularly when they become due, and that he gives no explanation of the cause of delay in making the payment.

An unjustified delay being thus admitted in a sum so inconsiderable as that to which these allowances amount sufficiently proves the financial dilapidation of the Kingdom of Greece, to which we are referred for our allowances.

Since however no inconsiderable delay has occurred, I have the honour to request that your Lordship will be pleased to instruct Her Majesty's Minister at Athens to apply for the interests due for the half-quarter in arrear, according to the legal rate charged for loans on personal security, which in the Ionian Islands, at least at the period at which the debt accrued, was 10 per cent., and is, I believe, higher in Greece; this is the more just since, confiding in the assurances of Her Majesty's Government, I directed my banker to apply these funds when due, but which did not come to his hands, and whom I must therefore indemnify.

I beg to observe with respect to the concluding paragraph of the letter of the 27th ultimo, where it is stated "that the Ionian States, though under the protectorate of the British Crown, were not a British Possession," and that therefore "these allowances not being British pensions cannot be made payable at the British Treasury," that if the Ionian States were not a British possession they were at least a foreign possession of

Great Britain, to serve in which Colony, under another designation, I was appointed by Her Majesty's Secretary of State for the Colonies and paid out of Her Majesty's local Civil List. The pension and compensation allowances are, moreover, treated as British allowances, by the declaration that they will be brought into account of the salary arising from any office held from the British Crown, but, on the other hand, I am told that the pension being a foreign one cannot be paid through the British Treasury. I have been unable to discover any instance of a foreign pension being brought into account of the salary of an office held from the British Crown, and I am equally at a loss to understand how these allowances can be at once under the double disability of British and foreign allowances, by being brought into account as British, and yet not paid by or through the British Treasury.

I have, &c.
(Signed) P. MAC C. COLQUHOUN.

No. 37.

Mr. Hammond to Sir P. Colquhoun.

Sir,

Foreign Office, March 15, 1865.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 7th instant, stating the grounds upon which you request that Her Majesty's Minister at Athens may be instructed to apply to the Greek Government for interest at the rate of 10 per cent. for the half-quarter during which the amount due for compensation allowances under Schedule B remained unpaid; and in reply I am to state to you that, considering that up to the 13th of February you had not applied to Her Majesty's Minister at Athens for the amount due to you, which was at all events at your disposal before that time, his Lordship considers your application for interest is somewhat out of place, and he is therefore sorry he cannot comply with it.

I am, &c.
(Signed) E. HAMMOND.

No. 38.

Mr. Erskine to Earl Russell.—(Received March 16.)

My Lord,

Athens, February 28, 1865.

I HAD last night the honour of receiving your Lordship's telegram dated the 18th instant, repeating your telegram of the 10th instant, by which I am directed to inform your Lordship whether the compensation allowances under Schedule B of the Convention of March 29 last had been paid by the Greek Government.

In my despatch of the 13th instant, and in my telegram of the 14th, I have already acquainted your Lordship that the allowances in question were paid to Her Majesty's Legation on the 7th instant, and I shall be careful hereafter to call upon the Greek Government to provide for that payment ten days before the expiration of the half-year.

I am bound, however, in fairness to the Greek Government to state to your Lordship that I was perhaps in some measure to blame for the delay which has taken place in the present instance, as I did not officially apply to the Minister for Foreign Affairs on the subject until the 18th of January, my impression being that, under Article II of the aforesaid Convention, it was necessary that I should furnish his Excellency with a list of the persons entitled to "pensions and compensations" in the month of January of every year, the names of such persons as should have died or accepted office from the Crown of Great Britain being omitted therefrom; and it was not until the 18th of January that I was in a position to do so. It so happened that several persons whose names were included in Schedule B had either died or accepted office since the 30th of June, and the Greek Government were consequently called upon to pay a sum less by several hundred pounds than that which they would have paid ten days before the 31st December as stipulated in Article I of the Convention.

I may quote the case of Mr. Greenwood, who died on the 12th of November last as one in point. Had the deceased's representatives received the amount of pension due for the half-year instead of for the period to the 12th of November, the Greek Government would doubtless have claimed the restitution of the money thus paid in excess. As such cases may constantly be occurring, I should be much obliged by your Lordship informing

me whether I am to consider that the allowance is due for the whole of the half-year absolutely, even if the claimant should have died or accepted office before the termination of the same; and if not, how I am to recover a sum thus improperly paid from the representative of the deceased claimant or from a person who may have accepted office.

I have, &c.

(Signed) E. M. ERSKINE.

No. 39.

Earl Russell to Mr. Erskine.

Sir

Foreign Office, March 18, 1865.

IN reply to the question contained in your despatch of the 28th ultimo, with reference to the payments by you of the compensation allowances made over to you by the Greek Government under Schedule B of the Convention of March last, I have to inform you that you should only make those payments on receiving from the parties entitled thereunto, or their agents, a certificate that they are alive and have not accepted any office that would debar them from receiving their pensions.

I am, &c.

(Signed) RUSSELL.

No. 40.

Mr. Erskine to Earl Russell.—(Received March 19.)

My Lord,

Athens, March 9, 1865.

WITH reference to your Lordship's despatch of January 10th, upon the subject of Mr. Richard Stevens' right to the enjoyment of his Ionian pension whilst in the service of Her Majesty's Government, I have the honour to transmit herewith a copy of a note from M. Boudouris which appears to concede the point at issue in so far as Mr. Stevens is concerned.

It is consequently my intention to authorize Mr. Consul-General Saunders to pay Mr. Stevens the arrears of his pension deposited in his hands; but I shall refrain from replying to M. Boudouris' note until I have ascertained whether Her Majesty's Government are disposed to acquiesce in the decision of the Hellenic Government as intimated by his Excellency.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 40.

M. Boudouris to Mr. Erskine.

M. le Ministre,

Athènes, le ²⁵Fevrier _{7 Mars}, 1865.

A LA suite des communications que vous avez adressées à ce Ministère relatives aux réclamations de Mr. Richard Stevens, Consul de Sa Majesté Britannique à Jeddah, je me suis empressé de demander, à ce sujet, l'opinion de mon collègue le Ministre des Finances, ainsi que celle des personnes plus spécialement appelées à examiner les questions qui se rapportent aux pensions.

Les difficultés résultant des opinions émises, jusqu'à ces derniers jours, sur cette affaire, étaient assez sérieuses pour que je crusse qu'il ne m'était pas permis de prendre sur moi la responsabilité d'une solution diamétralement opposée à celle ainsi indiquée par les personnes compétentes, sans chercher préalablement à la renforcer par quelque nouvelle épreuve officielle. Dans ce but, j'ai soumis de nouveau la question à la considération d'une commission spéciale composée d'hommes éclairés appartenant au Conseil d'Etat nouvellement formé.

En vertu du nouvel examen par lequel cette affaire a passé, je suis à même, M. le Ministre, de vous transmettre l'opinion définitive que je me suis formée sur la réclamation de Mr. R. Stevens, fondée, je crois, sur la lettre et l'esprit de la Convention du $\frac{1}{2}$ Mars, 1864, conclue entre la Grèce et la Grande Bretagne.

D'après les lois Ioniennes, les personnes qui étaient en jouissance d'une pension

acquise dans le service Ionien pouvaient aussi toucher les appointements des fonctions dont ils étaient investis par le Gouvernement Britannique ; de sorte que la pension et les appointements pouvaient être cumulés sous l'empire des lois Ioniennes.

Il est vrai que l'Article II de la Convention du $\frac{17}{29}$ Mars, 1864, porte que "le Ministre de Sa Majesté Britannique à Athènes, en préparant la liste des ayants droit à des pensions et à des indemnités, devra retrancher de celle de l'année précédente les noms des personnes qui auraient accepté de la Couronne Britannique des emplois dont la rétribution atteindrait le montant entier de la pension ou de l'indemnité à laquelle ils ont droit ; en outre, que le montant de la pension ou de l'indemnité des personnes dont les noms seraient conservés sur la liste sera réduit du montant des salaires qui seraient dus à ces personnes pour des emplois auxquels ils auraient été nommés, et dont la rétribution serait moindre que le montant entier des allocations qui leur sont dues."

Mais ces dispositions ayant évidemment en vue l'avenir, ne peuvent pas avoir force rétroactive, et, par conséquent, ne peuvent pas porter préjudice aux droits acquis de ceux qui étaient en jouissance d'une pension en vertu des lois Ioniennes et remplissaient en même tems des fonctions publiques conférées par le Gouvernement Britannique avant la conclusion de la Convention.

Or, en appliquant le principe ci-dessus exposé (qui, je le répète, ressort, à mon avis, de la lettre et de l'esprit de la Convention) à la question qui nous occupe, je pense que toute personne qui, jouissant d'une pension en vertu des lois Ioniennes, aurait accepté les fonctions publiques sous le Gouvernement Britannique avant la conclusion de la Convention du $\frac{17}{29}$ Mars, 1864, pourrait cumuler le montant de la pension avec les appointements alloués à ses fonctions, et, au contraire, que ceux qui auraient accepté des fonctions publiques au service Britannique après la Convention devront se conformer à la disposition de l'Article II, qui est clair, précis, et nullement susceptible, à mon avis, d'interprétation.

J'aime à croire que cette décision paraîtra équitable et satisfaisante au Gouvernement de Sa Majesté Britannique, qui la trouvera aussi, je me flatte à l'espérer, conforme à cet esprit large et libéral que le Gouvernement du Roi croit de son devoir d'apporter dans la solution des questions auxquelles a donné ou peut donner naissance l'annexion de l'Etat Ionien à la Grèce.

Veillez, &c.

(Signé) D. S. BOUDOURIS.

(Translation.)

M. le Ministre,

Athens, February 25, 1865.

IN consequence of the communications which you addressed to this Ministry relative to the claims of Mr. Richard Stevens, Her Britannic Majesty's Consul at Jeddah, I lost no time in requesting, in regard to that matter, the opinion of my colleague the Minister of Finance, as well as that of the persons more particularly called upon to examine questions having reference to pensions.

The difficulties resulting from the opinions given up to a recent period on this matter were sufficiently serious to cause me to consider that I could not take upon myself the responsibility of a solution diametrically opposed to that which had then been intimated by competent persons, without first endeavouring to support that solution by some fresh official inquiry. With this view I again submitted the question to the consideration of a Special Commission composed of able men belonging to the recently-constituted Council of State.

By reason of the fresh inquiry which this matter has undergone, I am able, M. le Ministre, to forward to you the definitive opinion which I have formed on the claim of Mr. Stevens, founded, I believe, on the letter and spirit of the Convention of the $\frac{17}{29}$ th March, 1864, concluded between Greece and Great Britain.

According to the Ionian laws, persons who were in the enjoyment of a pension acquired in the Ionian service might also draw the allowances of the offices to which they were appointed by the British Government, so that the pension and the allowances might under the Ionian laws form one aggregate sum.

It is true that the IInd Article of the Convention of the $\frac{17}{29}$ th March, 1864, states that "Her Britannic Majesty's Minister at Athens, in preparing the list of the persons entitled to pensions and compensations, shall withdraw from that of the preceding year the names of persons who may have accepted from the British Crown offices the emoluments of which may come up to the full amount of the pension or compensation to which they are entitled ; moreover, that the amount of the pension or compensation to persons whose names shall be retained on the list should be reduced by the amount of the salaries which might be due to those persons for offices to which they might have been appointed

and the emoluments of which might be less than the entire amount of the allowances due to them."

But these arrangements being evidently prospective cannot be made retroactive, and, consequently, cannot prejudice the rights acquired by those who were in the enjoyment of a pension under the Ionian laws, and at the same time discharged public functions conferred on them by the British Government before the conclusion of the Convention.

Accordingly, in applying to the question now under discussion the principle above set forth (which, I repeat, in my opinion, results from the letter and spirit of the Convention), I consider that every person who, being in the enjoyment of a pension under the Ionian laws, may have accepted public employment under the British Government before the conclusion of the Convention of the $\frac{1}{2}$ ⁷/₂₆th March, 1864, may receive, in the aggregate, the amount of the pension and the allowances assigned to his office; and, on the contrary, those who may have accepted public employment in the British service after the Convention must abide by the arrangement of the IInd Article, which, in my opinion, is clear, precise, and requiring no explanation.

I trust that this decision will appear equitable and satisfactory to Her Britannic Majesty's Government, who, I venture to hope, will also find it in conformity with that large and liberal spirit which the King's Government deems it to be its duty to evince in the solution of the questions to which the annexation of the Ionian State to Greece has given or may give rise.

Be pleased, &c.
(Signed) D. S. BOUDOURIS.

No. 41.

Earl Russell to Mr. Erskine.

Sir, *Foreign Office, March 22, 1865.*
I HAVE received your despatch of the 9th of March inclosing the answer of M. Boudouris to the representation which you were instructed to make to the Greek Government respecting the claim of Mr. Consul Stevens to be allowed to draw his Ionian pension, notwithstanding his employment in Her Majesty's Consular service; and I have to acquaint you that Her Majesty's Government accept the decision of the Greek Government stated in that answer, as being strictly within the meaning of the Convention of March 29, 1864.

I am, &c.
(Signed) RUSSELL.

British Subjects formerly employed
under the Ionian Government.

*Presented to the House of Lords by Command
of Her Majesty. 1864.*

LONDON:
PRINTED BY HARRISON AND SONS.

A C T

CONTAINING THE

ACCESSION OF THE SULTAN TO THE TREATY

CONCLUDED MARCH 29, 1864,

FOR THE

UNION OF THE IONIAN ISLANDS

TO THE

KINGDOM OF GREECE;

AND THE

ACCEPTANCE OF THAT ACCESSION.

Signed at Constantinople, April 8, 1865.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON.

PRINTED BY HARRISON AND SONS.

ACT containing the Accession of the Sultan to the Treaty concluded March 29, 1864, between Great Britain, France, Russia, and Greece, for the Union of the Ionian Islands to the Kingdom of Greece ; and containing also the Acceptance of that Accession by the four Contracting Parties to the Treaty.

Signed at Constantinople, April 8, 1865.

[Ratifications exchanged at Constantinople, June 15, 1865.]

Au Nom de Dieu Tout Puissant.

LEURS Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur des Français, et l'Empereur de toutes les Russies, d'une part, et Sa Majesté le Roi des Hellènes de l'autre part, ayant conclu entre elles le 29 Mars, 1864, un Traité pour l'union des Iles Ioniennes au Royaume de Grèce ; et Leurs dites Majestés, vu l'Acte en date du 24 Avril, 1819, par lequel la Sublime Porte Ottomane a reconnu le Protectorat de la Grande Bretagne sur les Iles Ioniennes, ayant proposé à Sa Majesté Impériale le Sultan d'accéder au susdit Traité ; et Sa Majesté Impériale ayant accepté cette proposition, les Plénipotentiaires des Hautes Puissances, savoir :

De la part de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Honorable William Stuart, Son Chargé d'Affaires près la Sublime Porte Ottomane ;

De la part de Sa Majesté l'Empereur des Français, le Sieur Léonel Marquis de Moustier, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Grand Cordon de l'Ordre Impérial de l'Osmanie, Grand-Croix de l'Ordre de Saint Etienne d'Autriche, Grand-Croix de l'Ordre de l'Aigle Rouge de Prusse, Ambassadeur de Sa Majesté l'Empereur des Français près la Sublime Porte Ottomane ;

De la part de Sa Majesté l'Empereur de toutes les Russies, le Sieur Nicolas Ignatieff, Général-Major et Aide-de-camp Général de Sa Majesté Impériale, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sublime Porte Ottomane, Chevalier Grand-Croix des Ordres Impériaux de Saint Vladimir de la seconde classe, de Sainte Anne de la première classe avec la Couronne Impériale, et de Saint Stanislas de la première classe, Grand Officier de l'Ordre de la Légion d'Honneur, Grand Commandeur de l'Ordre du Sauveur, décoré de l'Ordre du Medjidié de la première classe, et de plusieurs autres Ordres Etrangers ;

De la part de Sa Majesté le Roi des Hellènes, le Sieur Pierre Delyanni, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sublime Porte Ottomane, Commandeur de Son Ordre Royal du Sauveur, décoré du Nichan Iftihar en brillants de première classe de Sa Majesté le Sultan, Grand-Croix de l'Ordre de Sainte Anne de Russie, Grand Cordon de l'Ordre des Saints Maurice et Lazare d'Italie, Grand Cordon Vert de l'Ordre du Lion et du Soleil de Perse, Grand Commandeur des Ordres de Danebrog de Danemark, de Charles III d'Espagne, du Lion Néerlandais des Pays Bas, des Guelphes du Hanovre, du Christ de Portugal, et de l'Etoile Polaire de Suède, Commandeur de la Légion d'Honneur, et de l'Ordre du Mérite de Saxe, Chevalier des Ordres de la Couronne de l'Autriche, de l'Aigle Rouge de Prusse, de Léopold de Belgique, &c., &c., &c. ;

Et de la part de Sa Majesté Impériale le Sultan, Son Altesse Mouhammed Emin Aali Pacha, Son Ministre des Affaires Etrangères, décoré des Ordres Impériaux de l'Osmanie, du Medjidié et du Mérite de première classe, Grand-Croix de l'Ordre Impérial de la Légion

d'Honneur, de Saint Etienne d'Autriche, de l'Aigle Noir de Prusse ; de Saint Alexandre Newski de Russie, et de plusieurs autres Ordres Etrangers ;

Se sont réunis afin de constater en due forme l'Accession de Sa Majesté Impériale le Sultan, et l'Acceptation de cette Accession par les quatre Cours Signataires du Traité.

En conséquence le Plénipotentiaire de Sa Majesté le Sultan déclare, en vertu de ses pleins pouvoirs, que la Sublime Porte accède formellement au susdit Traité signé à Londres le 29 Mars, 1864, entre Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur des Français, et l'Empereur de toutes les Russies, d'une part, et Sa Majesté le Roi des Hellènes, de l'autre part, pour l'Union des Iles Ioniennes au Royaume de Grèce, duquel Traité la teneur suit mot à mot :—

“ Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande a fait connaître à l'Assemblée Législative des Etats Unis des Iles Ioniennes, qu'en vue de réunir éventuellement ces Iles au Royaume de Grèce, Elle était prête, si le Parlement Ionien en exprimait le vœu, à faire abandon du Protectorat de ces Iles, confié à Sa Majesté par le Traité conclu à Paris le 5 Novembre, 1815, entre les Cours de la Grande Bretagne, d'Autriche, de Prusse, et de Russie. Ce vœu ayant été manifesté par un vote de la dite Assemblée Législative, rendu à l'unanimité des voix le 17^e Octobre, 1863, Sa Majesté Britannique a consenti, par l'Article I du Traité conclu le 14 Novembre, 1863, entre Sa Majesté, l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, à renoncer au dit Protectorat, sous de certaines conditions spécifiées dans le Traité précité, et définies depuis lors par les Protocoles subséquents.

“ De leur côté, Leurs Majestés l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, ont consenti par le même Article et sous les mêmes conditions à accepter cette renonciation, et à reconnaître, conjointement avec Sa Majesté Britannique, l'union de ces Iles au Royaume de Grèce.

“ En vertu de l'Article V du Traité signé à Londres le 13 Juillet, 1863, il a été convenu en outre, d'un commun accord, entre Sa Majesté Britannique et Leurs Majestés l'Empereur des Français et l'Empereur de toutes les Russies, que les Iles Ioniennes, lorsque leur réunion au Royaume de Grèce aurait été effectuée, comme l'Article IV du même Traité l'a prévu, seraient comprises dans la garantie stipulée en faveur de la Grèce par les Cours de la Grande Bretagne, de France, et de Russie, en vertu de la Convention signée à Londres, le 7 Mai, 1832.

“ En conséquence, d'accord avec les stipulations du Traité du 13 Juillet, 1863, et conformément aux termes de l'Article VI du Traité du 14 Novembre, 1863, par lequel les Cours de la Grande Bretagne, de France, et de Russie, en leur qualité de Puissances garantes du Royaume de Grèce, se sont réservé de conclure un Traité avec le Gouvernement Hellénique sur les arrangements que pourra nécessiter la réunion des Iles Ioniennes à la Grèce, Leurs dites Majestés ont résolu de procéder à négocier avec Sa Majesté le Roi des Hellènes un Traité, à l'effet de mettre à exécution les stipulations ci-dessus mentionnées.

“ Sa Majesté le Roi des Hellènes ayant donné son assentiment à la conclusion de ce Traité, Leurs dites Majestés ont nommé pour leurs Plénipotentiaires, savoir :—

“ Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Jean Comte Russell, Vicomte Amberley de Amberley et Ardsalla, Pair du Royaume Uni, Chevalier du Très Noble Ordre de la Jarretière, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Son Principal Secrétaire d'Etat pour les Affaires Etrangères ;

“ Sa Majesté l'Empereur des Français, le Sieur Godefroy Bernard Henry Alphonse, Prince de la Tour d'Auvergne Lauraguais, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre de l'Aigle Rouge de Prusse, Grand-Croix de l'Ordre des Saints Maurice et Lazare, &c., &c., &c. ;

“ Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe Baron de Brunnow, Son Conseiller Privé Actuel, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, et Grand-Croix de l'Ordre du Sauveur de Grèce, &c., &c., &c. ;

“ Et Sa Majesté le Roi des Hellènes, le Sieur Charilaüs S. Tricoupi, Représentant à l'Assemblée Nationale des Hellènes ;

“ Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :—

“ ARTICLE I.

“ Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, désirant réaliser le vœu que l'Assemblée Législative des Etats Unis des Iles Ioniennes a exprimé

de voir ces Iles réunies à la Grèce, a consenti, sous les conditions spécifiées ci-après, à renoncer au Protectorat des Iles de Corfou, Céphalonie, Zante, Sainte Maure, Ithaque, Cerigo, et Paxo, avec leurs dépendances, lesquelles, en vertu du Traité signé à Paris le 5 Novembre, 1815, par les Plénipotentiaires de la Grande Bretagne, d'Autriche, de Prusse, et de Russie, ont été constituées en un seul Etat libre et indépendant sous la dénomination 'd'Etats Unis des Iles Ioniennes,' placé sous la protection immédiate et exclusive de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ses héritiers et successeurs.

"En conséquence, Sa Majesté Britannique, Sa Majesté l'Empereur des Français, et Sa Majesté l'Empereur de toutes les Russies, en leur qualité de signataires de la Convention du 7 Mai, 1832, reconnaissent cette union, et déclarent que la Grèce, dans les limites déterminées par l'arrangement conclu à Constantinople entre les Cours de la Grande Bretagne, de France, et de Russie, avec la Porte Ottomane le 21 Juillet, 1832—y compris les Iles Ioniennes—formera un Etat Monarchique, indépendant, et constitutionnel, sous la Souveraineté de Sa Majesté le Roi George, et sous la garantie des trois Cours.

"ARTICLE II.

"Les Cours de la Grande Bretagne, de France, et de Russie, en leur qualité de Puissances garantes de la Grèce, déclarent, avec l'assentiment des Cours d'Autriche et de Prusse, que les Iles de Corfou et de Paxo, ainsi que leurs dépendances, après leur réunion au Royaume Hellénique, jouiront des avantages d'une neutralité perpétuelle.

"Sa Majesté le Roi des Hellènes s'engage, de son côté, à maintenir cette neutralité.

"ARTICLE III.

"La réunion des Iles Ioniennes au Royaume Hellénique n'apportera aucun changement aux avantages concédés au commerce et à la navigation étrangères, en vertu de Traités et de Conventions conclus par les Puissances étrangères avec Sa Majesté Britannique, en sa qualité de Protectrice des Iles Ioniennes.

"Tous les engagements qui résultent des dites transactions, ainsi que des règlements y relatifs, actuellement en vigueur, seront maintenus et strictement observés comme par le passé.

"En conséquence il est expressément entendu que les bâtiments et le commerce étrangers dans les ports Ioniens, de même que la navigation entre les ports Ioniens et ceux de la Grèce, continueront à être soumis au même traitement et placés dans les mêmes conditions qu'avant la réunion des Iles Ioniennes à la Grèce, et cela jusqu'à la conclusion de nouvelles Conventions formelles ou d'arrangements destinés à régler entre les parties intéressées les questions de commerce, de navigation, ainsi que celles du service régulier des communications postales.

"Ces nouvelles Conventions seront conclues dans le délai de quinze ans, ou plus tôt si faire se peut.

"ARTICLE IV.

"La réunion des Etats Unis des Iles Ioniennes au Royaume de Grèce n'invalidera en rien les principes établis par la législation existante de ces Iles, en matière de liberté du culte et de tolérance religieuse; conséquemment, les droits et immunités consacrés en matière de religion par les Chapitres I et V de la Charte Constitutionnelle des Etats Unis des Iles Ioniennes, et spécialement la reconnaissance de l'Eglise Grecque Orthodoxe comme religion dominante dans ces Iles; l'entière liberté du culte accordée à l'Eglise de l'Etat de la Puissance protectrice; et la parfaite tolérance promise aux autres communions Chrétiennes,—seront maintenus après l'union dans toute leur force et valeur.

"La protection spéciale garantie à l'Eglise Catholique Romaine, ainsi que les avantages dont elle est présentement en possession, seront également maintenus; et les sujets appartenant à cette communion jouiront dans les Iles Ioniennes de la même liberté de culte qui leur a été reconnue en Grèce par le Protocole du 3 Février, 1830.

"Le principe de l'entière égalité civile et politique entre les sujets appartenant aux divers rites, consacré en Grèce par le même Protocole, sera pareillement en vigueur dans les Iles Ioniennes.

"ARTICLE V.

"L'Assemblée Législative des Etats Unis des Iles Ioniennes a décrété par une Résolution rendue le $\frac{7}{19}$ Octobre, 1863, que la somme de dix mille livres sterling par an serait affectée, en paiements mensuels, à l'augmentation de la Liste Civile de Sa Majesté le Roi des Hellènes de manière à constituer la première charge à prélever sur la recette des Iles

Ioniennes, à moins qu'il ne soit pourvu à ce paiement, suivant les formes constitutionnelles, sur les revenus du Royaume de Grèce.

“ En conséquence, Sa Majesté le Roi des Hellènes s'engage à mettre ce Décret dûment à exécution.

“ ARTICLE VI.

“ Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur des Français, et Sa Majesté l'Empereur de toutes les Russies, sont convenues de faire abandon, en faveur de Sa Majesté le Roi George I, chacune de quatre mille livres sterling par an, sur les sommes que le Trésor Grec s'est engagé à payer annuellement à chacune d'elles, en vertu de l'arrangement conclu à Athènes par le Gouvernement Grec, avec le concours des Chambres Grecques, au mois de Juin 1860.

“ Il est expressément entendu que ces trois sommes, formant un total de douze mille livres sterling annuellement, seront destinées à constituer une dotation personnelle de Sa Majesté le Roi George I, en sus de la Liste Civile fixée par la loi de l'Etat. L'avènement de Sa Majesté au Trône Hellénique n'apportera d'ailleurs aucun changement aux engagements financiers que la Grèce a contractés par l'Article XII de la Convention du 7 Mai, 1832, envers les Puissances garantes de l'emprunt, ni à l'exécution de l'engagement pris par le Gouvernement Hellénique, au mois de Juin 1860, sur la représentation des trois Cours.

“ ARTICLE VII.

“ Sa Majesté le Roi des Hellènes s'engage à prendre à sa charge tous les engagements et contrats légalement conclus par le Gouvernement des Etats Unis des Iles Ioniennes, ou en leur nom par la Puissance protectrice de ces Iles, conformément à la Constitution des Iles Ioniennes, soit avec des Gouvernements étrangers, soit avec des Compagnies et Associations, soit avec des individus privés ; et promet de remplir les dits engagements et contrats dans toute leur étendue, comme s'ils avaient été conclus par Sa Majesté ou par le Gouvernement Hellénique. Dans cette catégorie se trouvent spécialement compris : la dette publique des Iles Ioniennes ; les privilèges concédés à la Banque Ionienne, à la Compagnie Maritime connue sous le nom de Lloyds Autrichien, conformément à la Convention Postale du 1 Décembre, 1853, et à la Compagnie de Gaz de Malte et de la Méditerranée.

“ ARTICLE VIII.

“ Sa Majesté le Roi des Hellènes promet de prendre à sa charge :—

“ 1. Les pensions accordées à des sujets Britanniques par le Gouvernement Ionien, conformément aux règles établies aux Iles Ioniennes en matière de pensions.

“ 2. Les indemnités dues à certains individus actuellement au service du Gouvernement Ionien, lesquels perdront leurs emplois par suite de l'union des Iles à la Grèce.

“ 3. Les pensions dont plusieurs sujets Ioniens jouissent, en rémunération de services rendus au Gouvernement Ionien.

“ Une Convention spéciale, conclue entre Sa Majesté Britannique et Sa Majesté le Roi des Hellènes, déterminera le chiffre de ces différentes allocations, et règlera le mode de leur paiement.

“ ARTICLE IX.

“ Les autorités civiles et les forces militaires de Sa Majesté Britannique seront retirées du territoire des Etats Unis des Iles Ioniennes dans l'espace de trois mois, ou plus tôt si faire se peut, après la ratification du présent Traité.

“ ARTICLE X.

“ Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres dans le délai de six semaines, ou plus tôt si faire se peut.

“ En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

“ Fait à Londres, le vingt-neuf Mars, l'an de grâce mil huit cent soixante-quatre.

(L.S.) “RUSSELL. (L.S.) “CH. TRICOUPI.

(L.S.) “LA TOUR D'AUVERGNE.

(L.S.) “BRUNNOW.”

Les Plénipotentiaires de la Grande Bretagne, de France, de Russie, et de Grèce, en vertu de leurs pleins pouvoirs, acceptent formellement, au nom de leurs Cours respectives, la dite Accession de la Sublime Porte Ottomane.

Le présent Acte d'Accession et d'Acceptation sera ratifié, et les Actes de Ratifications en seront échangés à Constantinople dans l'espace de deux mois à dater de ce jour, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Constantinople, le huitième jour d'Avril, l'an de grâce mil huit cent soixante-cinq.

(L.S.) W. STUART.
(L.S.) MOUSTIER.
(L.S.) N. IGNATIEFF.
(L.S.) P. DELYANNI.

(L.S.) AALI.

(Translation.)

In the Name of Almighty God.

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, on the one part, and His Majesty the King of the Hellenes on the other part, having concluded between them on the 29th of March, 1864, a Treaty for the union of the Ionian Islands to the Kingdom of Greece; and Their said Majesties, with reference to the Act under date of the 24th of April, 1819, whereby the Sublime Ottoman Porte recognized the Protectorate of Great Britain over the Ionian Islands, having proposed to His Imperial Majesty the Sultan to accede to the aforesaid Treaty; and His Imperial Majesty having accepted that proposal, the Plenipotentiaries of the High Powers, that is to say:—

On the part of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable William Stuart, Her Chargé d'Affaires to the Sublime Ottoman Porte;

On the part of His Majesty the Emperor of the French, the Sieur Lionel Marquis de Moustier, Grand Officer of the Imperial Order of the Legion of Honour, Grand Cordon of the Imperial Order of the Osmanié, Grand Cross of the Order of St. Stephen of Austria, Grand Cross of the Order of the Red Eagle of Prussia, Ambassador of His Majesty the Emperor of the French to the Sublime Ottoman Porte;

On the part of His Majesty the Emperor of all the Russias, the Sieur Nicholas Ignatieff, Major-General and Aide-de-camp General of His Imperial Majesty, His Envoy Extraordinary and Minister Plenipotentiary to the Sublime Ottoman Porte, Knight Grand Cross of the Imperial Orders of St. Vladimir of the second class, of St. Anne of the first class with the Imperial Crown, and of St. Stanislas of the first class, Grand Officer of the Order of the Legion of Honour, Grand Commander of the Order of the Redeemer, decorated with the Order of the Medjidié of the first class, and with several other foreign Orders;

On the part of His Majesty the King of the Hellenes, the Sieur Peter Delyanni, His Envoy Extraordinary and Minister Plenipotentiary to the Sublime Ottoman Porte, Commander of His Royal Order of the Redeemer, decorated with the Nichan Ifthar of His Majesty the Sultan of the first class in diamonds, Grand Cross of the Order of St. Anne of Russia, Grand Cordon of the Order of St. Maurice and St. Lazarus of Italy, Grand Green Cordon of the Order of the Lion and Sun of Persia, Grand Commander of the Orders of Danebrog of Denmark, of Charles III of Spain, of the Netherland Lion of the Netherlands, of the Guelphs of Hanover, of Christ of Portugal, and of the Polar Star of Sweden, Commander of the Legion of Honour, and of the Order of Merit of Saxony, Knight of the Orders of the Iron Crown of Austria, of the Red Eagle of Prussia, of Leopold of Belgium, &c., &c., &c.;

And on the part of His Imperial Majesty the Sultan, His Highness Mohammed Emin Aali Pasha, His Minister for Foreign Affairs, decorated with the Imperial Orders of the Osmanié, of the Medjidié, and of Merit of the first class, Grand Cross of the Imperial Order of the Legion of Honour, of St. Stephen of Austria, of the Black Eagle of Prussia, of St. Alexander Newski of Russia, and of several other foreign Orders;

Met together for the purpose of recording in due form the Accession of His Imperial

Majesty the Sultan, and the Acceptance of that Accession by the four Courts Parties to the Treaty.

In consequence the Plenipotentiary of His Majesty the Sultan declares, in virtue of his full powers, that the Sublime Porte formally accedes to the above-mentioned Treaty signed at London on the 29th of March, 1864, between Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, on the one part, and His Majesty the King of the Hellenes on the other part, for the union of the Ionian Islands to the Kingdom of Greece, which Treaty is, word for word, as follows :—

“ Her Majesty the Queen of the United Kingdom of Great Britain and Ireland made known to the Legislative Assembly of the United States of the Ionian Islands that, with a view to the eventual union of those Islands to the Kingdom of Greece, she was prepared, if the Ionian Parliament should express a wish to that effect, to abandon the Protectorate of those Islands, confided to Her Majesty by the Treaty concluded at Paris on the 5th of November, 1815, between the Courts of Great Britain, Austria, Prussia, and Russia. Such wish having been expressed by a vote of the said Legislative Assembly passed unanimously on the 17th October, 1863, Her Britannic Majesty consented, by Article I of the Treaty concluded on the 14th of November, 1863, between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, to renounce the said Protectorate under certain conditions specified in that Treaty, and since defined by subsequent Protocols.

“ On their part, Their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, consented by the same Article, and under the same conditions, to accept such renunciation, and to recognize, in conjunction with Her Britannic Majesty, the union of those Islands to the Kingdom of Greece.

“ In virtue of Article V of the Treaty signed at London on the 13th of July, 1863, it was moreover agreed by common consent between Her Britannic Majesty and Their Majesties the Emperor of the French and the Emperor of all the Russias, that the Ionian Islands, when their union with the Kingdom of Greece should have been effected, as contemplated by Article IV of the same Treaty, should be comprised in the guarantee stipulated in favour of Greece by the Courts of Great Britain, France, and Russia, in virtue of the Convention signed at London on the 7th of May, 1832.

“ In consequence, and in accordance with the stipulations of the Treaty of the 13th of July, 1863, and with the terms of Article VI of the Treaty of the 14th of November, 1863, whereby the Courts of Great Britain, France, and Russia, in their character of Guaranteeing Powers of the Kingdom of Greece, reserved to themselves to conclude a Treaty with the Hellenic Government as to the arrangements which might become necessary in consequence of the union of the Ionian Islands to Greece, Their said Majesties have resolved to proceed to negotiate with His Majesty the King of the Hellenes a Treaty for the purpose of carrying into execution the stipulations above mentioned.

“ His Majesty the King of the Hellenes having given his assent to the conclusion of such Treaty, Their said Majesties have named as their Plenipotentiaries, that is to say :

“ Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Britannic Majesty's Privy Council, Her Principal Secretary of State for Foreign Affairs ;

“ His Majesty the Emperor of the French, the Sieur Godefroy Bernard Henry Alphonse, Prince de la Tour d'Auvergne Lauraguais, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Grand Officer of the Imperial Order of the Legion for Honour, Grand Cross of the Order of the Red Eagle of Prussia, Grand Cross of the Order of St. Maurice and St. Lazarus, &c., &c., &c. ;

“ His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His Actual Privy Councillor, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Knight of the Orders of Russia, Grand Cross of the Imperial Order of the Legion of Honour, and Grand Cross of the Order of the Redeemer of Greece, &c., &c., &c. ;

“ And His Majesty the King of the Hellenes, the Sieur Charilaüs S. Tricoupi, a Representative in the National Assembly of the Hellenes ;

“ Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following Articles :—

“ ARTICLE I.

“ Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, desiring to realize the wish expressed by the Legislative Assembly of the United States of

the Ionian Islands, that those Islands should be united to Greece, has consented, on the conditions hereinafter specified, to renounce the Protectorate over the Islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, with their dependencies, which, in virtue of the Treaty signed at Paris on the 5th of November, 1815, by the Plenipotentiaries of Great Britain, Austria, Prussia, and Russia, were constituted a single free and independent State, under the denomination of 'the United States of the Ionian Islands,' placed under the immediate and exclusive protection of His Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs and successors.

"In consequence, Her Britannic Majesty, His Majesty the Emperor of the French, and His Majesty the Emperor of all the Russias, in their character of signing parties to the Convention of the 7th of May, 1832, recognize such union, and declare that Greece, within the limits determined by the arrangement concluded at Constantinople between the Courts of Great Britain, France, and Russia, and the Ottoman Porte on the 21st of July, 1832,—including the Ionian Islands,—shall form a monarchical, independent, and constitutional State, under the sovereignty of His Majesty King George and under the guarantee of the three Courts.

"ARTICLE II.

"The Courts of Great Britain, France, and Russia, in their character of guaranteeing Powers of Greece, declare, with the assent of the Courts of Austria and Prussia, that the Islands of Corfu and Paxo, as well as their dependencies, shall, after their union to the Hellenic Kingdom, enjoy the advantages of perpetual neutrality.

"His Majesty the King of the Hellenes engages, on his part, to maintain such neutrality.

"ARTICLE III.

"The union of the Ionian Islands to the Hellenic Kingdom shall not involve any change as to the advantages conceded to foreign commerce and navigation in virtue of Treaties and Conventions concluded by foreign Powers with Her Britannic Majesty, in her character of Protector of the Ionian Islands.

"All the engagements which result from the said transactions, as well as from the regulations actually in force in relation thereto, shall be maintained and strictly observed as hitherto.

"In consequence, it is expressly understood that foreign vessels and commerce in Ionian ports, as well as the navigation between Ionian ports and the ports of Greece, shall continue to be subject to the same treatment, and placed under the same conditions, as before the union of the Ionian Islands to Greece, until the conclusion of new formal Conventions, or of arrangements destined to regulate between the parties concerned, questions of commerce and navigation, as well as questions relating to the regular service of communication by post.

"Such new Conventions shall be concluded in fifteen years, or sooner if possible.

"ARTICLE IV.

"The union of the United States of the Ionian Islands to the Kingdom of Greece shall in no wise invalidate the principles established by the existing legislation of those Islands with regard to freedom of worship and religious toleration; accordingly the rights and immunities established in matters of religion by Chapters I and V of the Constitutional Charter of the United States of the Ionian Islands, and specifically the recognition of the Orthodox Greek Church as the dominant religion in those Islands; the entire liberty of worship granted to the Established Church of the Protecting Power; and the perfect toleration promised to other Christian communions,—shall, after the union, be maintained in their full force and effect.

"The special protection guaranteed to the Roman Catholic Church, as well as the advantages of which that Church is actually in possession, shall be equally maintained; and the subjects belonging to that communion shall enjoy in the Ionian Islands the same freedom of worship which is recognized in their favour by the Protocol of the 3rd of February, 1830.

"The principle of entire civil and political equality between subjects belonging to different creeds, established in Greece by the same Protocol, shall be likewise in force in the Ionian Islands.

"ARTICLE V.

"The Legislative Assembly of the United States of the Ionian Islands has decreed by a Resolution passed on the 17th of October, 1863, that the sum of ten thousand pounds

sterling a year shall be appropriated, in monthly payments, to the augmentation of the Civil List of His Majesty the King of the Hellenes, so as to constitute the first charge upon the revenue of the Ionian Islands, unless provision be made for such payment, according to the Constitutional forms, out of the revenues of the Kingdom of Greece.

"In consequence, His Majesty the King of the Hellenes engages to carry that Decree duly into execution.

"ARTICLE VI.

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, and His Majesty the Emperor of all the Russias, agree to relinquish in favour of His Majesty King George I, each four thousand pounds sterling a year, out of the sums which the Greek Treasury has engaged to pay annually to each of them, in virtue of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Greek Chambers, in the month of June 1860.

"It is expressly understood that these three sums, forming a total of twelve thousand pounds sterling annually, shall be destined to constitute a personal dotation of His Majesty King George I, in addition to the Civil List fixed by the law of the State. The accession of His Majesty to the Hellenic Throne shall not otherwise involve any change in the financial engagements which Greece has contracted by Article XII of the Convention of the 7th May, 1862, towards the Powers guaranties of the loan, nor in the execution of the engagement taken by the Hellenic Government in the month of June 1860, upon the representation of the three Courts.

"ARTICLE VII.

"His Majesty the King of the Hellenes engages to take upon himself all the engagements and contracts lawfully concluded by the Government of the United States of the Ionian Islands, or in their name by the Protecting Power of those Islands, conformably to the Constitution of the Ionian Islands, whether with foreign Governments, with Companies and Associations, or with private individuals; and promises to fulfil the said engagements and contracts fully and completely, as if they had been concluded by His Majesty or by the Hellenic Government. Under this head are specially included: the public debt of the Ionian Islands; the privileges conceded to the Ionian Bank, to the Navigation Company known under the name of the Austrian Lloyds, in conformity with the Postal Convention of the 1st of December, 1853, and to the Malta and Mediterranean Gas Company.

"ARTICLE VIII.

"His Majesty the King of the Hellenes promises to take upon himself,—

"1. The pensions granted to British subject by the Ionian Government, in conformity with the rules established in the Ionian Islands respecting pensions.

"2. The compensation allowances due to certain individuals actually in the service of the Ionian Government, who will lose their employments in consequence of the union of the Islands to Greece.

"3. The pensions which several Ionian subjects are in the enjoyment of, in remuneration of services rendered to the Ionian Government.

"A special Convention to be concluded between Her Britannic Majesty and His Majesty the King of the Hellenes shall determine the amounts of these different heads, and shall regulate the mode of their payment.

"ARTICLE IX.

"The civil authorities and the military forces of Her Britannic Majesty shall be withdrawn from the territory of the United States of the Ionian Islands in three months, or sooner if possible, after the ratification of the present Treaty.

"ARTICLE X.

"The present Treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner if possible.

"In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

"Done at London, the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and sixty-four."

(L.S.) "RUSSELL.

(L.S.) "CH. TRICOUPL.

(L.S.) "LA TOUR D'AUVERGNE.

(L.S.) "BRUNNOW."

The Plenipotentiaries of Great Britain, France, Russia, and Greece, in virtue of their full powers, formally accept, in the name of their respective Courts, the said Accession of the Sublime Ottoman Porte.

The present Act of Accession and Acceptance shall be ratified, and the acts of ratification thereof shall be exchanged at Constantinople in two months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Constantinople, the eighth day of April, in the year of our Lord one thousand eight hundred and sixty-five.

(L.S.) W. STUART.
(L.S.) MOUSTIER.
(L.S.) N. IGNATIEFF.
(L.S.) P. DELYANNI.

(L.S.) AALI.

Sultan to the Treaty concluded March 29, 1864, for the Union of the Ionian Islands to the Kingdom of Greece; and the Acceptance of that Accession.

Signed at Constantinople, April 8, 1865.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

JAPAN. No. 1. (1865.)

CORRESPONDENCE

RESPECTING

AFFAIRS IN JAPAN.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.



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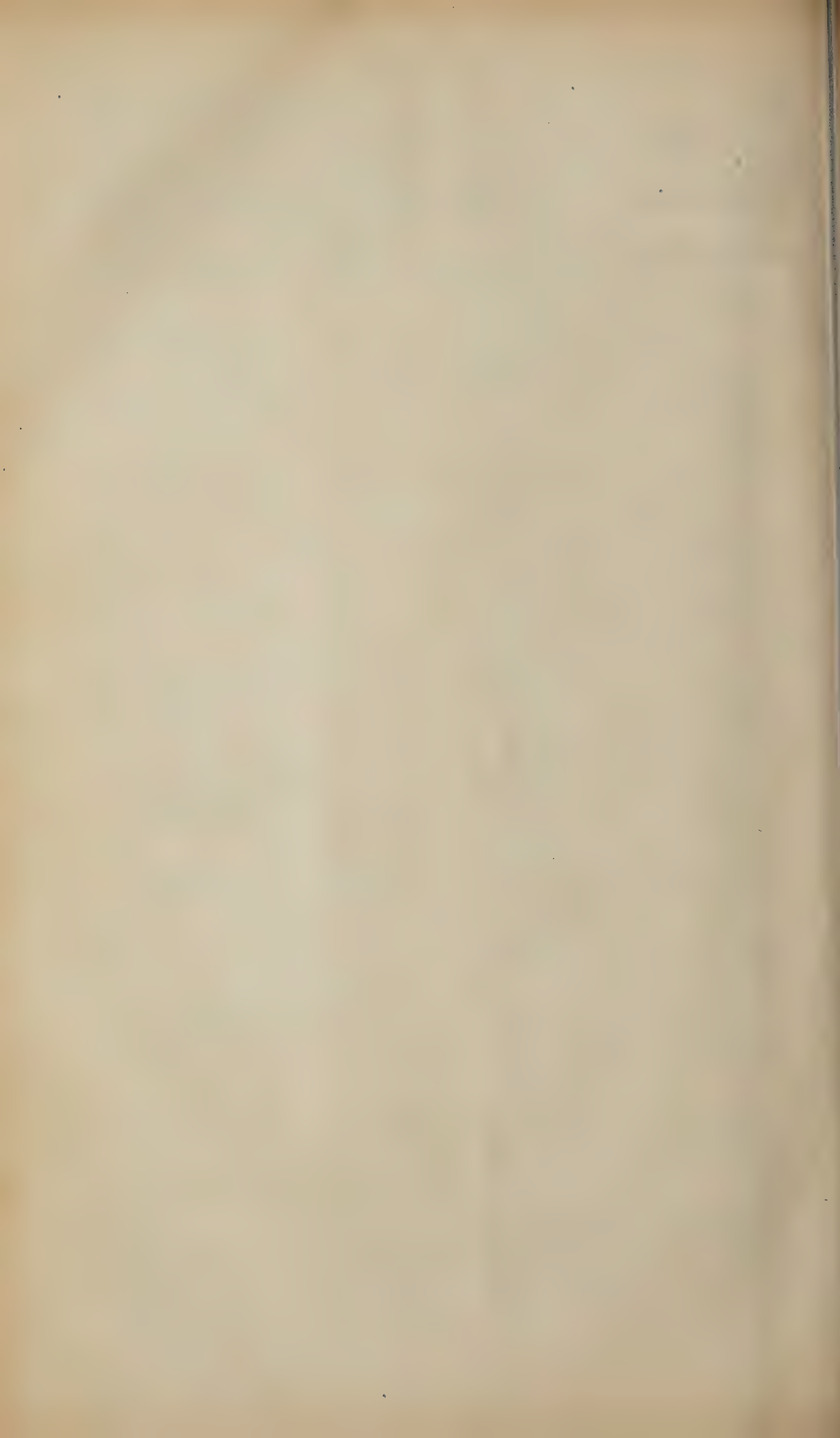
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Correspondence respecting Affairs in Japan: 1863—65.

No. 1.

Earl Russell to Sir R. Alcock.

(Extract.)

Foreign Office, December 17, 1863.

IN the uncertainty respecting the state of affairs in Japan which at present prevails I can only give you on the part of Her Majesty's Government very general instructions.

You may find on your return to Japan that things have settled down peaceably, and that trade is active; or you may find that the Tycoon has joined the hostile Daimios, and that insecurity affects all our relations in Japan.

In any case you will require from the Tycoon and the Daimios the execution of the engagements of the Treaty.

You will consult the Admiral and any military officer who may be sent to Japan as to the means of strengthening and holding our position in Yokohama.

You will, in case of attack on Nagasaki, consider with the view to our permanent safety, whether our trading ships and commercial agents can keep their position at Nagasaki with any hope of success.

You will endeavour to obtain from Hong Kong the services of a regiment of infantry, which may be employed for the defence of Yokohama.

The Admiral, with your concurrence, will be authorized, if he should think it advisable, to land marines and destroy the batteries, spiking the guns, which have been erected and armed for the evident purpose of interrupting the passage of our merchant-ships, and which shall have evinced their hostile purposes by some hostile act.

You will not, however, propose, neither will the Admiral be authorized to direct, the destruction of any such batteries, unless their hostile purpose has been clearly proved by acts of a hostile character.

Her Majesty's Government rely on the Admiral for taking care that no unarmed and peaceable town should be bombarded. But when Her Majesty's ships of war are fired upon, that fire must be returned with vigour and rapidity.

No. 2.

Earl Russell to Sir R. Alcock.

Sir,

Foreign Office, December 19, 1863.

IN my despatch of the 17th instant I have informed you that you should in any case require from the Tycoon and the Daimios the execution of the engagements of the Treaty. In thus instructing you, I did not intend to recall or cancel the modifications of that Treaty which were set forth in the memorandum signed by me and the Japanese Envoys on the 6th of June, 1862.* Those modifications are binding upon Her Majesty's Government until they are expressly revoked.

I am, &c.
(Signed) RUSSELL.

* See "Correspondence respecting Affairs in Japan," presented 1863, page 8.

No. 3.

*Earl Russell to Sir R. Alcock.**Foreign Office, December 19, 1863.*

Sir,

HER Majesty's Ambassador at Paris has been instructed to introduce you to M. Drouyn de Lhuys as you pass through that capital. It is hardly necessary for me to say that Her Majesty's Government would wish you to continue, as heretofore, to act cordially with your French colleague on all questions affecting the relations of the two countries with Japan.

I am, &c.
(Signed) RUSSELL.

No. 4.

*Earl Russell to Sir R. Alcock.**Foreign Office, December 24, 1863.*

Sir,

I HAVE communicated to the Board of Admiralty and to the War Department a copy of my instruction to you of the 17th instant, and those Departments will doubtless make known to the Admiral and senior military officers in Japan and China the nature of that instruction.

It is only necessary for me to remind you that although, as Her Majesty's Envoy, you must needs have a controlling authority so far as matters of public policy are concerned, and have full power, when all diplomatic means are exhausted, to call upon Her Majesty's naval and military authorities to give you their aid and assistance, yet when, after consultation with the Admiral singly, or with the Admiral and superior military officer in command of any military force which may be sent to Japan, it may be decided to carry into execution any particular operation involving the employment of force, the manner in which such operation shall be executed must rest entirely with the naval and military Commanders.

You have no authority to direct either of them to undertake any operation, or to interfere with their directions as to the manner in which any operation should be conducted.

But, on the other hand, neither of those officers will have any authority to undertake any military or naval operations of a special kind without previous communication with you and without your concurrence, unless the honour of Her Majesty's arms, the safety of the lives and properties of British subjects, or some sudden and unforeseen emergency, should call for immediate action.

I am, &c.
(Signed) RUSSELL.

No. 5.

*Earl Russell to Lieutenant-Colonel Neale.**Foreign Office, January 11, 1864.*

Sir,

THE attention of Her Majesty's Government having been drawn to the expediency of arming Her Majesty's Legation in Japan with the power of preventing the unrestricted entrance of British vessels into the inland waters and seas of Japan, it has been deemed advisable, after consultation with the Law Officers of the Crown, that an additional Order in Council should be passed empowering Her Majesty's Consul-General to issue a rule, placing under restrictions, or prohibiting altogether, the entry of British vessels into such inland waters and seas.

I accordingly send you herewith copies of the "Gazette" of the 8th instant, which contain the Order in Council in question, and I have to instruct you to make the same publicly known for the information of British shipmasters resorting to Japan.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 5.

Order in Council, dated January 7, 1864.

At the Court at Osborne House, Isle of Wight, the 7th day of January, 1864.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made in the session holden in the 6th and 7th years of Her present Majesty, intituled "An Act to remove doubts as to the exercise of power and jurisdiction of Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it is, amongst other things, enacted, that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy, any power or jurisdiction which Her Majesty now hath, or at any time hereafter may have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory:

And whereas Her Majesty hath power and jurisdiction in the dominions of the Tycoon of Japan:

And whereas Her Majesty was pleased, on the 23rd day of January, 1860, by an Order duly made, by and with the advice of Her Privy Council, to make provisions for the exercise of the said power and jurisdiction; and such Order was afterwards amended, and further provision was made for the exercise of the said power and jurisdiction, by another Order duly made by Her Majesty, by and with the advice of Her Privy Council, on the 4th day of February, 1861.

And whereas, under and by virtue of the said Orders, Her Majesty's Consuls within the dominions of the Tycoon of Japan are authorized and empowered to make, and to enforce by fine or imprisonment, rules and regulations for the observance of the stipulations of the Treaty or Treaties between Her Majesty, her heirs and successors, and the Tycoon of Japan, and for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Tycoon of Japan:

And whereas it is expedient that the powers so given to the said Consuls should be extended, as hereinafter is mentioned:

Now, therefore, in pursuance of the above recited Act of Parliament, Her Majesty is pleased by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

I. Whenever, and so often as, it shall appear to Her Majesty's Consul-General, or to any person duly authorized to act in the capacity of Consul-General of Her Majesty, in the dominions of the Tycoon of Japan, that the unrestricted entrance of British ships or vessels into, or the unrestricted passage of British ships or vessels through, any straits or strait, or other waters, within the dominions of the said Tycoon of Japan, may lead to acts of disturbance or acts of violence, or may otherwise endanger the maintenance of peaceful relations and intercourse between Her Majesty's subjects and the subjects of the Tycoon of Japan, it shall be lawful for such Consul-General, or other persons so acting as aforesaid, to make and enforce, by fine or imprisonment, any rule or regulation, for the purpose of prohibiting, or of regulating and placing under such restrictions as he may consider expedient, the entrance or passage of any British ship or vessel (other than a ship of war of Her Majesty) into or through any such straits or strait or other waters as aforesaid, within such limits as shall be defined and specified by such rule or regulation; and from time to time revoke or alter any such rule or regulation.

II. All such rules and regulations shall be published and made known, and all proceedings for the enforcement thereof shall be taken and prosecuted in such and the same manner, and subject to such and the same right of appeal, and otherwise, in all respects, as is provided by the said Order in Council of the 23rd day of January, 1860, as amended by the said Order in Council of the 4th day of February, 1861, concerning rules and regulations to be made by Her Majesty's Consuls, other than those for the observance of Treaties; and the penalty to be attached to any breach of such rules and regulations to be made by virtue of this Order shall not in any case exceed 500 dollars, or three months' imprisonment.

III. If any persons or person navigating any British ship or vessel shall enter into or pass through, or shall attempt to enter into or to pass through, any such straits or strait, or other waters as aforesaid, in breach of any rule or regulation to be made by virtue of this Order, as aforesaid, it shall be lawful for any officer in command of any of Her Majesty's ships of war to use force for the purpose of compelling such persons or person to

desist from any such attempt; and also, if it shall be deemed necessary, to seize any such ship or vessel, and to take or cause her to be taken to any convenient place or port, either within the dominions of the Tycoon of Japan, or elsewhere, in order that the persons or person navigating the same may be duly proceeded against and brought to trial for such breach, or attempted breach, of such rule or regulation; and any such ship or vessel may lawfully be detained, under the authority of any such officer or officers, or of any of Her Majesty's Consuls in the dominions of the Tycoon of Japan, until the conclusion of any proceedings which may be taken for the punishment of any person or persons so offending.

And the Right Honourable Earl Russell, and the Most Noble the Duke of Newcastle, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein accordingly.

No. 6.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 13.)

(Extract.)

Yokohama, December 31, 1863.

WITH reference to my despatch* relating to the circumstances attending the lamentable murder of Lieutenant de Camus, of the French Army, in this vicinity on the 14th October last, I have to inform your Lordship that Admiral Jaurès and my colleague of France acquainted me some time since that the Japanese Government had been informed by them that the only means of assuaging the indignation which will be occasioned in France by that event would be by the Tycoon addressing an autograph letter expressive of his deep regret at its occurrence to the Emperor; that the letter should be sent by special Envoys charged with its delivery; and that in such case the Admiral would place a ship-of-war at their disposal as far as Shanghai, from whence they might proceed by the ordinary French mail.

Arising out of this suggestion, I am now informed that the mission so proposed to be dispatched would not be restricted to this matter affecting only the French Government, but that they would be instructed again to communicate with the Governments of the several Treaty Powers, and enter into discussions respecting the abandonment of Yokohama and other points, all restrictive of Treaty rights.

I believe the Japanese Government is well aware that I will afford no encouragement to such a project, which I venture to anticipate will be viewed with great dissatisfaction by Her Majesty's Government. The Japanese Ministers have accordingly avoided conferring with me upon the subject. They will, I am led to understand, eventually do so.

No. 7.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 13.)

(Extract.)

Yokohama, January 16, 1864.

WITH reference to my despatch of the 31st of December last, reporting to your Lordship the purposed intention of the Tycoon's Government to send Envoys to Europe, I have now the honour to inclose, for the information of your Lordship, a *compte-rendu* of an interview I held on the 4th instant with the Japanese Ministers, who came down from Yeddo for the purpose of communicating to me the explanations of the Government of Yeddo in respect to the purposed Mission.

Your Lordship will observe that no allusion was made by the Ministers to one of the objects of the proposed Mission, namely, that of endeavours to palliate the contemplated difficulties attending the murder of M. de Camus, of the French army. This will, nevertheless, form an important object of the Mission.

* See "Correspondence respecting Affairs in Japan," presented 1864, No. 70, p. 110.

Inclosure in No. 7.

Minutes of an Interview with the Tycoon's Vice-Ministers, held at Her Majesty's Legation, Yokohama, on the 4th day of January, 1864, relative to the Embassy that the Japanese Government are sending to Europe to negotiate about Closing the Port of Kanagawa.

Present:

Lieutenant-Colonel Neale, Her Majesty's Chargé d'Affaires;
 Tachibana Idzumo no Kami, } Vice-Ministers; and
 Inabe Hioluzeno, }
 Two Governors of Foreign Affairs.

The two Vice-Ministers commenced by stating that they hoped that the friendly relations now existing between the two countries would continue, and be lasting; that, notwithstanding the prejudice of the people to foreigners, yet they trusted that that would not have any influence, as they intended to uphold the Treaty and did not wish to see it broken; that they had come to the conclusion of sending an Embassy to Europe, and wished now to offer some explanations of the reasons by which they had been induced to take this step. The two Governors of Foreign Affairs who were here present would enter into the particulars of the case.

Colonel Neale remarked that he was willing to listen to the Governors, but that he should consider their communication as coming from the Ministers themselves.

One of the Governors of Foreign Affairs then stated that, on account of the ill-feeling in the country towards foreigners, brought about by the opening of the ports, and which was gaining ground day by day, but which they were afraid it was out of their power to arrest, the Government was constrained to propose closing the port of Yokohama, leaving only Nagasaki and Hakodadi open to foreign trade. It was Commodore Perry who had originally advised the Tycoon's Government to open their ports to foreigners, but only as an experiment, which if it did not succeed they might be closed again.

Colonel Neale wished to be informed whether these reservations and conditions had been officially entered into with the American authorities. They certainly did not appear in the Treaty with the United States negotiated by Mr. Harris.

The Governors replied that these conditions had been verbally discussed and understood.

Colonel Neale remarked that Great Britain had entered into no such engagements.

The Governors continued, that the ill-feeling of the people against foreigners was getting worse and worse, murders having of late been continually committed at Yeddo, where it was not advisable for foreigners to reside: the hostilities entered into by Satsuma at Kagosima was a sign of the bad national feeling. The friendly intentions of the Government could not be carried into effect on account of these national prejudices. All friendly intercourse with foreigners was hateful to them. They likewise hate the Tycoon's Government (which was favourable to foreigners) on that account. The strongholds of the Tycoon's Government have been attacked, and insurrections have commenced in Yamato, a province near Kioto. If these things were allowed to go on the ill-feeling would increase, therefore the Tycoon's Government had made up its mind to close the port of Kanagawa (Yokohama), and leave only Nagasaki and Hakodadi open for trading purposes; but as this is a matter of great importance, and cannot be entered into by Colonel Neale or the other foreign Representatives in Japan, it was necessary to send an Embassy to Europe for that purpose, who would explain our internal difficulties to the British Government, and express our wish to close the port of Kanagawa, but at the same time to continue our friendly relations.

Colonel Neale replied that the communication he had just listened to was most unsatisfactory. No specific facts or circumstances relating to the alleged situation of affairs were to this moment made known to him. The whole substance of what was now said was, that an ill-feeling prevailed among the Japanese people against foreigners. This had been said from the beginning, but the statement was an idle statement, and he (Colonel Neale) denied the fact. The people were friendly: the two-sworded class and certain Daimios might very probably be hostile because they were an armed, and therefore an exclusive and domineering class.

The Governors replied that the national feelings were getting worse and worse every day, and they could not say what might be the consequence: all friendship with foreign countries might be broken, and the people might commit many outrages against foreigners. If Kanagawa (Yokohama) were closed, those feelings might calm down a little, and our internal affairs be arranged.

Colonel Neale said that nothing could result from a discussion of this subject so long as the Tycoon's Government thought proper to adopt a policy of concealment and mystery. Had the Ministers anything further to add?

The Governors stated that they only wished to explain why the Tycoon's Government decided upon sending Envoys to Europe. The affair was grave; it could not be settled by writing; therefore Envoys would be sent.

Colonel Neale replied that every nation had the right to send Envoys where they would, but that he did not know how the Envoys would be received in England, or whether, under the circumstances, they would be received at all. In the meanwhile, supposing the Embassy to have proceeded to England, as to other countries, Her Majesty's Chargé d'Affaires called upon the Tycoon's Government distinctly to understand that he was here to take care that the Treaty existing between Great Britain and Japan was carried out. If the trade were stopped, or any other aggressive acts adopted by the Tycoon's Government, or tolerated by it, he should immediately act without waiting for further instructions from his Government. Her Majesty's forces within reach of Japan would repel any such acts.

The Governors hoped Her Majesty's Chargé d'Affaires would afford his aid and assistance to the Embassy, as they were going with the view of maintaining friendly relations.

Colonel Neale replied that that would depend upon what was passing in the interval in this country in regard to foreign relations; but in what manner did they wish him to assist them?

The Governors said they wished Her Majesty's Chargé d'Affaires to represent to Her Majesty's Government the good intentions of the Japanese Government in sending Envoys, and the object they had in view in desiring to close the port of Kanagawa.

Colonel Neale said that, on the contrary, it would be his duty to inform Her Majesty's Government that he had no official knowledge of the true state of the national feeling in Japan. The Japanese Government, as he had often reason to complain, had persistently refused to afford the slightest information as to the internal situation of affairs, or even of stating who were our friends, or who were our enemies. Her Majesty's Chargé d'Affaires disclaimed all knowledge of the principles which guided the rival parties in this Empire, as they were not made manifest. He believed the mass of the people of this country to be most favourable to foreign intercourse. If the Tycoon's Government was equally so, but not sufficiently strong to maintain its policy, support had been proffered to it if sought for, in its contests with the hostile factions.

The Governors.—When it is said that the Japanese are friendly towards foreigners, this can only apply to the Tycoon's Government and to the people of Yokohama: in the interior they are not so. There are a great many bad people called ronins in this country.

Colonel Neale asked what was understood by the term "Tycoon's Government?" Did it mean literally the Tycoon himself and his Ministers?

The Governors said they understood by the "Tycoon's Government" the Tycoon and all the Ministers of the country.

Colonel Neale observed that in civilized countries a Government was understood to mean the Sovereign or Chief Ruler, his Ministers, and a sufficiently powerful party who supported that Government and its policy.

The Governors responded that the Japanese Government consisted of the Tycoon and his Ministers, but no Daimios. The Tycoon governed the whole nation.

Colonel Neale replied that the Tycoon must therefore, to some extent, govern the Daimios—certainly those of his own creation, who are very numerous. He wished the Tycoon's Government to understand that when a nation is said to be on friendly terms with another, it is not implied that the Sovereign and his Ministers are personally and solely on friendly terms.

Governors.—If the Japanese were united in their feelings of friendship towards other nations, then everything would go on smoothly, but there are thousands who differ in opinion from their Government.

Colonel Neale replied that there is no country in the world that is united unanimously in opinion or feeling upon all subjects; but the Dynasty and Government which prevailed must have a strong party which supports their views.

Governors.—For three hundred years our country has had no intercourse with foreigners, therefore they (foreigners) are hated. We cannot suppress these ill-feelings, therefore it is advisable to close Yokohama.

Colonel Neale said he desired to have no repetition of that discussion, but it was his duty on this occasion most seriously to complain that the trade of Yokohama, during the

last few weeks, had been impeded and obstructed by the authorities. No less than eighteen shops had been closed, and the free passage of silk from Yeddo was partially prohibited. Should this continue, the relations between Great Britain and Japan would at once become disturbed.

The Governors said that the reason why the shops were closing is perhaps because the owners are getting poor; some also had been killed by ronins; others are, in consequence, afraid of trading with foreigners.

Colonel Neale replied that the Government was nevertheless aware that it was rather because they were getting too rich, or perhaps had not furnished a sufficiently exact account of their gains to the Government which taxed them. Be this as it might, if trade, in its enlarged sense, were stopped, that could only be by the desire and action of the Government, and such a state of things would be immediately resented.

The Governors said that the Tycoon's Government wished commerce to continue till the return of the Envoys from Europe. They did not know why the shops were closed. They could not help it.

Colonel Neale then said: "If you stop our trade, we will stop yours; if you stop our supplies, we will stop yours; and I wish you, above all things, to record and convey to the Tycoon's Government this most serious statement on my part, for it will bring under their consideration an inevitable course of action which must be adopted under the contingencies referred to."

The Governors asked whether by stopping their trade was meant the imports which come from abroad.

Colonel Neale said: "Certainly not. I mean your own trade between one port and another. In regard to supplies and provisions, if you permit that they cease to be supplied, we must necessarily seek them where we can find them in other parts of your country, which, under other circumstances, we do not desire to frequent."

After some further conversation upon general subjects, the Conference was closed.

No. 8.

Earl Cowley to Earl Russell.—(Received March 21.)

My Lord,

Paris, March 20, 1864.

THE Mission from Japan may be expected to arrive in France at any moment, and M. Drouyn de Lhuys is anxious to know the opinion of Her Majesty's Government respecting the proposal which it is supposed will be made to rescind the concession of Yokohama as a port of trade.

I have, &c.
(Signed) COWLEY.

No. 9.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, March 23, 1864.

WITH reference to your Excellency's despatch of the 20th instant respecting the contemplated visit to France of the Japanese Mission, and the proposal which it is anticipated will be made by them in regard to the surrender by the Treaty Powers of Yokohama as a port of trade, I have to state that Her Majesty's Government have no desire to see these Envoys in London, and if they come will certainly not give up Yokohama as a port of trade.

I am, &c.
(Signed) RUSSELL.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 28.)

(Extract.)

Yokohama, January 29, 1864.

THE Japanese Envoys, destined to proceed to Europe upon a special mission having for its ostensible object negotiations with the Treaty Powers for the closing of the port of Kanagawa-Yokohama, called upon me this morning by appointment.

They stated that they were about to leave, proceeding first to Paris and then to London, about the 5th of February next, and that they hoped Her Majesty's Government would assist them in accomplishing the object of their mission.

I replied that that would undoubtedly depend upon the nature of their contemplated negotiations. I asked if the Mission had no other object in view than those referred to, to which was answered that the Envoys would express their deep regret to the French Government in regard to the murder of M. de Camus, and also to the British Government in respect to the attack on the British Legation at Tozenjee. I observed that the latter event had been fully determined and satisfied by the payment of the indemnity, but that probably some explanations would be necessary in regard to the burning of the British Legation at Gotenyama.

The Envoys further stated that they purposed transmitting to me copies of the letters addressed by His Majesty the Tycoon to the Sovereigns of foreign States having Treaties with Japan, and from the Gorogio to the Governments of those countries. These, when received, I shall have the honour to have carefully translated, and to transmit them to your Lordship.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 28.)

(Extract.)

Yokohama, January 30, 1864.

I HAVE the honour to report to your Lordship that Her Majesty's ship "Vulcan" arrived here from Hong Kong on the 22nd instant, bringing the detachment (two companies) of the 20th Regiment for which I had applied to the Major-General commanding in China.

The troops were at once landed and quartered with all convenience in barracks situated in the centre of the Settlement, which at the request of General Brown I had caused to be erected at a very moderate cost. The amount disbursed on this account out of the chest of this Legation will be refunded by the military authorities.

The presence of this small number of troops, I beg to assure your Lordship, will in my firm belief fully realize the aim and object which I had in view when applying for them to the Major-General. They were required with no prospect of aggressive or hostile undertaking, but as a precautionary measure calculated most effectually to allay constantly recurring panics, threatened attacks of wandering bandits, or incendiarism, disorganizing the trading operations of and alarming the foreign communities, of whom one-half are British subjects.

Such a situation of affairs, I fully anticipate, will not again arise. Whether in the sequel military operations on a serious scale may become imperatively necessary, arising out of the obstinate persistence of the Japanese Government to agitate the question of the expulsion of foreigners, or out of positively aggressive acts, cannot, I humbly apprehend, be foreseen. At present trade pursues its course. The tariff of Customs duties is in course of voluntary reduction. Yokohama with wonderful rapidity is extending into a most important Settlement. Land is of fabulous value, equally in this respect, I am informed, with the Settlement of Shanghai. Additional grants of land are on the eve of concession to the several nationalities by the Japanese Government. These are interests which I can hardly imagine that so shrewd a people as the Japanese would voluntarily aid in accumulating were it their sincere design to call upon us eventually to abandon them.

Lieutenant-Colonel Neale to Earl Russell.—(Received April 13.)

My Lord,

Yokohama, February 6, 1864.

BY my despatch the 29th ultimo I had the honour to make known to your Lordship that the Tycoon's Government had resolved upon dispatching, a second time, Envoys to Europe for the alleged purpose of representing to the several Governments having Treaties with Japan the difficulties and embarrassments attendant upon the operations of foreign trade, especially at the port of Kanagawa-Yokohama.

I have since received a formal written communication from the Gorogio, a copy of which, in translation, I have the honour to inclose, informing me, in vague terms, of the mission with which the Envoys are charged. The Dutch version of the letter addressed by the Tycoon to the Queen has also been shown to me, of which, having taken a copy, I have the honour to lay before your Lordship herewith the translation, as also of the Gorogio's letter addressed to your Lordship; and of both of which, in original, the Envoys will be the bearers.

The Envoys did me the honour to call upon me to take leave yesterday, previous to their embarkation on board the French ship of war "Le Monge," in which they will be conveyed as far as Shanghae, from whence they will proceed, with a suite of about thirty-five persons, by the ordinary line of Messageries steamers, first to Marseilles and Paris, and next to London.

Desirous, probably, of propitiating the Governments of the Treaty Powers by some conciliatory act preparatory to the arrival of the Envoys in Europe, the Tycoon's Government has reduced the duties to 5 per cent. upon most of the articles bearing a duty of 20 per cent. in the Tariff, some of them as in accomplishment of promises made to your Lordship in 1862, when the former Envoys were in London, some in respect to assurances made to the Minister of Foreign Affairs in France at the same period, and the remaining rather long list in the guise of a so-called "Convention," concluded with the Minister of the United States in Japan.

On taking leave of the Envoys I took occasion to observe that, while all relief to trade by the reduction of duties was necessarily most acceptable, the accomplishment of the promises of the Tycoon's Envoys to suggest such reduction would be viewed by Her Majesty's Government with satisfaction. But that the non-accomplishment of the far more serious and positive engagements entered into by them with your Lordship, as set forth in the Articles of the Memorandum of the 7th of June, 1862, by which all restrictions on trade were removed, could not but be deemed a serious subject of displeasure. The restrictions imposed manifestly by the action of the Government at Yeddo on the free sale of silk, the most important produce of this country, I observed, caused the expression of great complaints on the part of British merchants, and that it would be my duty to bring this subject under your Lordship's notice.

In conclusion, I have to inform your Lordship that the Envoys have deposited the sum of 100,000*l.* at one of the British branch banks at Yokohama, and opened a credit for that amount in Europe. A similar amount will shortly be added. These funds, it cannot be doubted, will be employed, for the most part, in the purchase of cannon, rifles, and most probably, also, of one or two ships of war.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 12.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE beg to send you the following communication.

The great change that has taken place in the ancient customs of our country has been the cause of much trouble, and wounded the national feelings of the people; internal disturbances have ensued which you yourself have witnessed. Although every proper measure has been adopted by us to pacify these national feelings and to bring them into unison, yet up to the present time they have not produced any good results; and the consequence is we have lost the goodwill of your Government, and unsettled the relations of peace and friendship on account of the murders of Tozengie and Namamugi. However, this affair is now settled. As our Government is not considered

as having acted (in general) with justice, causes us very painful and disagreeable emotions, therefore His Majesty the Tycoon has appointed as his Envoys the Governors for Foreign Affairs, Ikeda Tsikugo no Kami, Kawadzoe Idzoe no Kami, and the Ometsky (spy) Kawada Sagami no Kami, and sends them on a special mission to the British capital.

As all the circumstances attending the case cannot be set forth in our letter with sufficient accuracy, our Envoys will explain and represent all the particulars to your Government, and in a frank and open spirit consult with your Government relative to the best means to be adopted to calm down the national feelings in our country, and of eternally maintaining relations of peace and friendship between the two countries without endangering so many human lives.

We beg to request your Excellency will communicate this to your Government,
With respect and consideration.

This 21st day of the 12th month of the 3rd year Bung-kew (January 29, 1864).

(Signed)

MIDZOONO IDZOOMI NO KAMI.

ITAKOORA SOOWO NO KAMI.

INOWOYAY KAWATSI NO KAMI.

Inclosure 2 in No. 12.

His Majesty the Tycoon to Her Majesty the Queen of Great Britain.

(Translation.)

WITH respect we have to make the following communication to your Majesty the Queen of Great Britain.

Since the Treaty between your Majesty and our Empire was concluded, it has naturally always been our earnest wish mutually to maintain the oath ("solemn engagement") eternally, and uninterruptedly to reciprocate a good understanding; but as it is impossible to change at once the ancient customs of our country—the foreign trade having greatly disturbed the national mind of the people of our country—therefore some unbecoming occurrences have often been committed against several foreigners, and in particular against (the subjects of) your country. For the acts committed against the temporary residence of your Minister (at Yeddo), the acts committed at Namamugi (on the tokaido), and also in Satsuma's territory, we beg to express our great regret. However, this has already been settled, and peace re-established.

On this account the Governors for Foreign Affairs, Ikeda Tsikugo no Kami and Kawadzoe Idzuno Kami, likewise the Ometsky ("spy") Kawada Sagami no Kami, having been appointed Envoys, we send them on a special mission to your capital, instructing them to lay before Your Majesty the whole particulars of the circumstances attending the affairs in our empire, and likewise to negotiate relative to the trade at the open port of Kanagawa, in order to preserve eternally a good understanding between the two countries, and to pacify the national feelings.

It is desirable that your Majesty should be pleased to give consideration to the Report made to you by our Ambassadors.

At the same time we wish every happiness to your kingdom.

(Signed)

MINAMOTO (name of the Tycoon of Japan).

Inclosure 3 in No. 12.

The Japanese Ministers for Foreign Affairs to Earl Russell.

(Translation.)

WE beg to send your Excellency the following communication.

Since the Treaty made between your country and ours has been concluded, feelings of friendship and amity have increased from day to day, and some time ago His Majesty the Tycoon sent Envoys to the British capital to present to Her Majesty the Queen of Great Britain his sincere and friendly feelings.

Before those Envoys returned the national opinion in our country became disorderly, and we took every possible means to check it: in the mean time an attack was made upon the temporary residence of the British Minister, and some of your soldiers were murdered, likewise some British subjects killed and wounded at Namamugi on the tokaido, and afterwards the building erected for the residence of the British Minister opposite the heights of Shinagawa was unexpectedly destroyed by fire, though before it was occupied.

Although this business is almost settled, after the claims made by your Government, and after the arrangements made on our part, yet it caused His Majesty the Tycoon and ourselves disagreeable sensations and much regret, as such an occurrence towards a Treaty Power in relations of amity and friendship are inconsistent; therefore His Majesty has appointed the Governors for Foreign Affairs Ikeda Tsikugo no Kami, Kawadzoo Idzoo no Kami, and the Ometské (Government spy) Kawada Sagami no Kami, to be his Envoys, and sends them to the British capital with instructions to express to Her Majesty the Queen at an audience the whole circumstances of the case relative to the state of our country, and likewise to enter into negotiation with your Lordship to establish eternal relations of amity and friendship between the two countries.

Therefore, we trust that your Lordship will submit to Her Majesty the Queen, and that Her Majesty will be pleased to give consideration to our feelings of friendship and amity, and will put confidence (believe) in the report made by the said Envoys.

In compliance with the commands of His Majesty the Tycoon with respect and consideration.

The day of the 12th month of the 3rd year of Bung-kew.

(Signed)

MIDZOONO IDZOOMI NO KAMI.

ITAKOORA SOOWO NO KAMI.

INOWOYAY KAWATSI NO KAMI.

No. 13.

*Earl Russell to Earl Cowley.**

My Lord,

Foreign Office, April 20, 1864.

ONE of the objects which the Japanese Government is said to have in view in despatching a fresh special Mission to Europe, is to enter into negotiations with the Treaty Powers for the closing of the ports of Yeddo and Yokohama. It would therefore be desirable that your Excellency should inform the French Government that Her Majesty's Government will refuse altogether to negotiate with the Japanese Mission for that purpose.

It is stated, indeed, that a principal object with the present Mission is to express to the French Government the deep regret of the Japanese Government for the murder of M. de Camus, but from reports which have reached Her Majesty's Government it seems that the Mission has other and further purposes, viz., to purchase vessels and munitions of war, for which a large credit has been opened with an European bank, and also to gain time with the Mikado and the anti-foreign faction on the question of closing the ports.

It is to be presumed that all the Treaty Powers will hold identic language as to the hopelessness of any efforts to close the ports, or otherwise cancel existing Treaty rights, and if so it may be hoped that the result of the present Mission may be to strengthen the hands of the Tycoon in his endeavours to keep faith with the Treaty Powers.

I am, &c.

(Signed) RUSSELL.

No. 14.

Earl Cowley to Earl Russell.—(Received April 23.)

My Lord,

Paris, April 22, 1864.

I HAVE read to M. Drouyn de Lhuys your Lordship's despatch of the 20th instant, stating the objects which the new Japanese Mission are supposed to have in view and the opinion of Her Majesty's Government upon the subject. M. Drouyn de Lhuys said that he concurred entirely in those opinions, and that he would refuse peremptorily to enter into any discussion with the Envoys with regard to any modification of the Treaty existing between France and Japan.

His Excellency observed further that he would do all in his power to prevent the Mission from purchasing vessels and munitions of war in France, and that he hoped Her Majesty's Government would do the same as far as was possible in England.

I have, &c.

(Signed) COWLEY.

* Similar despatches were addressed to Sir A. Buchanan, Mr. Ward, and Lord Lyons.

No. 15.

Lieutenant-Colonel Neale to Earl Russell.—(Received April 28.)

My Lord,

Yokohama, March 1, 1864.

I HAVE the honour to report to your Lordship that the situation and aspect of affairs in this country at this date justifies and confirms the belief I had the honour to express to your Lordship in my recent correspondence, to the effect that no aggressive or seriously obstructive acts would be entered upon by the Tycoon's Government, or by any of the Daimios, at least during the period that their Envoys are in Europe.

Trade is steadily flourishing; occasionally slackening, indeed, for a few days from a multiplicity of unknown causes, and resuming immediately its dimensions. The general results at the close of last year, as your Lordship will have observed, are satisfactory beyond all expectation.

Our political relations are not of that cordial and intimate nature which is usual and so desirable; to render them so will carry with it preliminary measures, on the part of some or all of the Treaty Powers, of war and coercion, if such a result would seem to justify the means by which an improved condition of those relations might more speedily be attained.

The passage of the Inland Sea at this crisis in the internal affairs of this country remains still obstructed by the Prince of Choshu, who has very recently fired at a steamer of the Prince of Satsuma in the Straits of Shimonasaki; but, unless for the purpose of vindicating our right of passage, I am not aware of any detriment sustained to our commerce or navigation in this country by this temporary obstruction.

Such, my Lord, is in my humble belief the present aspect of our relations with Japan. The real designs of the rulers of this country in regard to foreigners in the future, whether they tend towards peace and amity, or to stoppage of trade, aggressive acts and war, are not, I venture to conceive, matured or determined even by the Tycoon's Government itself, or by the principal feudal Chiefs. Satsuma was, previous to the incident of Kagosima, eager and clamorous for war with the foreigner; he is now for trade and peace.

An expectant and defensive policy, with a strong naval force in these waters, and a moderate military contingent available in China, if meanwhile our commercial relations are continuedly prosperous, would seem, I humbly conceive to be the best adapted to meet the actual and present position.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

No. 16.

Mr. Ward to Earl Russell.—(Received April 29.)

(Extract.)

The Hague, April 27, 1864.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 20th instant, respecting the views of Her Majesty's Government on the objects of the new special Mission of the Japanese Government to Europe. I have taken an opportunity of communicating the substance of this despatch to the Minister of Foreign Affairs, who expressed his satisfaction on finding that the opinion of Her Majesty's Government coincided with that which he had already formed as to the reception which ought to be given to the propositions of the Japanese Envoys.

As M. Cremers had ascertained that the French Government are equally determined to refuse the Japanese overtures, he observed that his Government could no longer have any hesitation in deciding to follow the same line of conduct, which he hoped would lead to a satisfactory result.

No. 17.

Earl Russell to Sir R. Alcock.

Sir,

Foreign Office, May 10, 1864.

I HAVE been informed by the Prussian Chargé d'Affaires at this Court that the Prussian Government will return the same answer to the Japanese Envoys as Her Majesty's Government propose to give to them should they ask for the closing of the ports of Yeddo and Yokohama.

I am, &c.

(Signed) RUSSELL.

Sir R. Alcock to Earl Russell.—(Received May 13.)

My Lord,

Yokohama, March 15, 1864.

I HAVE the honour to report my arrival at this place on the 2nd instant, and the resumption of my duties as Her Majesty's Envoy in Japan.

I have, &c.

(Signed)

RUTHERFORD ALCOCK.

Earl Cowley to Earl Russell.—(Received May 14.)

(Extract.)

Paris, May 12, 1864.

I HAVE inquired of M. Drouyn de Lhuys the nature of the communications which have passed between himself and the Japanese Ambassadors.

His Excellency replied that he had had two interviews with them, one of which had been purely formal. During the second they had intimated to him that they were charged to make certain proposals to the Treaty Powers; that the Tycoon had met with great difficulties in carrying out all the provisions of the Treaties signed with those Powers; and that he hoped, therefore, that the Powers would assist him by assenting to some modifications of them; that he desired that the port of Yokohama should be closed to foreign merchant-vessels, but that he was willing, in return, to make the ports of Nagasaki and Hakodadi free ports, which would be a great benefit to foreign trade. He was willing also to re-open some passage which had been closed to foreign shipping, the name of which M. Drouyn de Lhuys could not remember.

M. Drouyn de Lhuys states that he gave no encouragement to the proposals, or rather suggestions, which were simply hinted at in the course of conversation, but his Excellency believes that they will be laid before him in a more official shape, when he will communicate them to your Lordship. No decision will be taken here without previous consultation with Her Majesty's Government.

Sir R. Alcock to Earl Russell.—(Received May 28.)

(Extract.)

Yokohama, March 31, 1864.

IT is just two years since I left Japan in order to be present in London when the first Mission sent by the Tycoon to the Treaty Powers in Europe should arrive. Returning to my post a month ago, I met a second Mission on its way to the same Courts. These two Embassies seem to me to form very significant events in the history of Japan and its relations with foreign States.

The first was sent chiefly at my instigation, as a fitting mark of respect on the part of the Tycoon to the Sovereigns with whom he had made Treaties, and more especially in the hope that those who composed the Mission would see enough of the wealth and power of the various States in Europe to feel the hopelessness of Japan coming successfully out of a struggle with any one of the Great Powers. I trusted that the conviction would tend to influence in the interests of peace, not only the Tycoon's Government, but a much larger circle. The cherished object of the Tycoon's Cabinet, however, was doubtless to obtain the consent of the Treaty Powers to defer the opening of the capital and three new ports to trade. They sought this great concession on the avowed ground of a desire to promote greater harmony, and a means of insuring improved relations. They asked for it with the assurance, that thus strengthened against the hostile elements, which menaced alike the Tycoon's Government and foreigners, it would be in their power to give greater security, and remove restrictions of which we had justly complained.

The whole policy of the Treaty Powers during the three years subsequent to the opening of the ports, had been one of conciliation and concession, despite of great provocations, a long series of political murders and reiterated acts of violence, from which the Legations in Yeddo were by no means exempt.

I consider the signing of the Protocol of June 1862* (afterwards adopted with unim-

* See "Correspondence respecting Affairs in Japan," presented 1863, p. 8.

portant modifications by all the other Powers), freely granting without abatement all that the Tycoon asked, was the culminating act and fitting end of the conciliatory policy so consistently adhered to from the beginning. It was impossible to concede more without abandoning the Treaties altogether. Thenceforth it only remained to gather the promised fruit, of greater security to life, and freer intercourse within the narrowed limits, which for the moment at least, appeared unattainable in the wider range of five ports and two cities; or failing this, fall back upon our Treaty rights, and enforce respect for them, from whatever quarter attack or resistance might come. It was expedient, necessary indeed I think, first to try in perfect good faith all that conciliatory and pacific means could accomplish. This once done, whether success or failure might result, valuable experience would have been gained, and an unanswerable argument hereafter to those who might contend that wars and complications only arise in the East from the absence of a considerate spirit, and the use of gentler means in the beginning. The Treaty Powers, I conceive, have nothing to regret therefore in the course taken, although the result has ill corresponded with the promises held out by the Tycoon as the inducement for concessions.

The avowed object of the second Mission is to declare that all the hopes held out by the Tycoon of the probable results of the first concessions have been illusory. He is not stronger but weaker than he was. His Government is not more but less able to hold its own and protect foreigners from the hostility of the opposing Daimios; and now what he has to propose is no longer concession or even alliance offensive and defensive, but absolute withdrawal from the country as the sole condition of peace. Therefore, I say that these two Missions mark if they do not make epochs in the history of our relations with this country. Conciliation and forbearance carried to their farthest limit during three years, and crowned at the end by an act of large concession to the hostile elements and political exigencies of the country, have ended in this. The only fruit has been indiscriminate aggression, increased insecurity, calling for measures of coercion on the part of all the Treaty Powers; finally, a decree for the expulsion of foreigners, with a mission from the Tycoon to declare his utter inability to maintain the Treaties, and to suggest a surrender of all the rights and privileges they were framed to secure in perpetuity.

That trade has prospered and gone on increasing in spite of all these adverse influences is the one encouraging fact to be elicited from the past. This and the obvious inference that such a result could not be possible were there not among the people, and even the ruling and privileged classes, a strong desire to promote its development. With the Mikado as undisputed Sovereign, decreeing the expulsion of the barbarians and calling upon the Tycoon and Daimios to employ force, with a mission on its way to Europe from the Tycoon to obtain the withdrawal of foreigners from Yokohama and intimate his helplessness to protect them, with a Prince of Choshu firing indiscriminately on all flags and closing the passage of the great Inland Sea, the Legations of Great Britain and the United States both destroyed by incendiaries, and the whole of the Diplomatic Representatives virtually excluded from the capital of the Tycoon,—with all these elements of hostility, danger, and political convulsion in actual operation, for trade to survive and even to take considerable development is certainly a great fact, and one only to be accounted for on the supposition already suggested.

But if these facts taken in connection all tend to confirm the general policy of standing upon the rights secured by Treaty, and refusing all further concession as futile and only encouraging aggression or encroachment, they make it doubly important that we should obtain correct information of what is actually passing in the country and plotting among the Daimios. Could timely knowledge be secured I do not think it is too much to say that with the weight which the Treaty Powers could throw into the scale, or even Great Britain alone at this moment, both civil war and hostilities with foreign Powers might be averted, and those who are favourable to improved relations with the latter be so encouraged and strengthened that no serious effort would be made to disturb them. To obtain this needful fulcrum for effective action on the contending forces of the country all my efforts are directed. But I need not tell your Lordship that herein lies the great difficulty. In the meantime this much seems to be tolerably certainly ascertained. There is at the present moment a grand Council being held at Kioto, the capital of the Mikado, consisting of the 260 principal Daimios and *quasi* independent Princes of Japan. Thither the Tycoon has found it necessary to proceed with some of his own Council and adherents. That they are discussing the future policy of the country, both as regards its internal affairs and foreign relations, there can be little doubt.

In the absence of positive information of a recent date from Kioto as to any results, all that can be said with any confidence amounts to this, that an effort is being made by many influential Daimios to put aside the reigning Tycoon, either virtually as a governing power, or depose him absolutely in favour of some other aspirant, most likely H'Stots-

Bashi, the son of Prince Mito, whose adherents murdered the Regent Ikamo no Kami. But mixed up with this family feud and a dynastic struggle, another is also going on among the Daimios now assembled in council as to the foreign policy. One party beyond question is desirous, at all risks, of returning to a policy of total exclusion, and advocates warlike measures to drive the foreigner out; but I think it is nearly equally certain that another section of powerful Daimios are opposed to this course, though not yet agreed upon as to what should be the line of action ultimately to be followed, or even the objects to be sought. Some, among whom there is much reason to believe the young Prince of Satsuma, and possibly his father Shimadza Saburo, may be reckoned, have made up their minds, since their collision with us at Kagosima probably, to encourage a freer intercourse, and trade with few or no restrictions; certainly, with none such as now prevail, tending to give the Tycoon a monopoly at his own ports, and enrich him exclusively with all the profits of foreign trade.

Whether a conviction founded upon recent experience of their inability to contend against European Powers, and their own inadequate means of attack, or larger views of a liberal policy, may be the prevailing motive with the section adverse to war and the attempt to expel foreigners by force, it is impossible in the present state of our information to say. But our chief hope of a peaceable solution lies in the chance of this party being consolidated, and obtaining such a decided predominance in the Great Council now assembled at Kioto as to overawe the opposite faction, and deter them from active opposition. We must wait for additional information before any safe conclusion can be arrived at.

The latest news having some consistence and authority, of which a notice will be found in the inclosed extract from the "Japan Commercial News," points to the formation of a Council or Cabinet under the presidency of the Mikado as sole Sovereign, to be composed of five or six of the most powerful Daimios, by whom the whole country and its foreign policy should be governed. The Tycoon, it is said, has been promoted to a higher nominal rank, but only with a view to his being virtually removed from all personal action over the Government, he and his Gorogio alike being pushed aside to make room for the real Executive in the form of the Mikado's Gorogio or Council. If this prove correct then, a bloodless revolution will have been effected, tending to restore the Mikado to his legitimate position as Sovereign, at the expense of the usurped power so long enjoyed by successive dynasties of Tycoons. The issues of peace or war hang very evidently on the balance, but some time may yet elapse before we shall know which of these results will be secured.

In the meantime it obviously behoves us to be, as far as possible, prepared for hostile action on the part of a powerful body of nobles, quite capable, without any previous warning, of seeking by force to expel all foreigners from the country, and from this place more especially.

As regards the Tycoon's Government, if it survive the present crisis I think it is very probable the leading members of it will go on as they have hitherto done, and temporize rather than take decided action; trying to steer a safe course between the two dangers of civil war and foreign hostilities. But if, as seems very probable, the Tycoon should himself be virtually deposed, and the anti-foreign faction among the Daimios gain the ascendant—and who shall say this may not already be the result of the eventful gathering of all the notabilities of the Empire at the capital of the Mikado?—I see no security whatever against immediate attack or other measures, at once aggressive and obstructive. I know that active armaments are going on everywhere. The Tycoon is calling in all the four-cash copper pieces so recently issued, giving eight each for them, and melting all the bells of the temples at Yeddo in order to feed the furnaces of his foundries, where cannon on European models, and in large number, are being cast with unremitting activity. The Prince of Choshiu, who has proved himself one of the most forward and determined of the anti-foreign faction, has only recently, as may be seen by the inclosed published account from Prince Satsuma's Agent, fired into and destroyed one of the Tycoon's steamers, lent to the Prince for purposes of trade. Civil war on a small scale has actually commenced therefore. The last piece of intelligence which reaches me is also one of the most significant. Our greatest hold over the Tycoon has been the facility with which we could cut off the supply of rice from Yeddo, the main staple of the food on which some two millions are dependent. The chief supply comes from a large district on the north-west coast of Nipon, and it is brought in junks through the Inland Sea and round Cape Idzu. But owing to the currents, the junks are compelled to come through a narrow channel, shut in by the Island of O-Shima (Vries Island in the Admiralty charts). A couple of gun-boats could effectually blockade this and cut off the supplies. I hear to-day that the Tycoon's Government has renewed with desperate

energy an enterprise often before contemplated, partially begun but as often abandoned, namely, to cut a canal through a range of hills which interpose between the rice-growing districts of Yetsigo and Yeddo. Everywhere in the territories of the Daimios there is arming and preparing for war, buying of steamers, and drilling of men with percussion-capped muskets and bayonets. I think we are not justified in concluding, in the face of such evidences of general uneasiness and preparations for war, whether among themselves or against foreigners, that we may count upon exemption from either aggressive or seriously obstructive acts. If such immunity is to be secured, I believe it will be mainly owing to the state of preparedness in which we may be to resist attack and punish aggression in any shape. The contingency of a sudden attack from the faction of hostile Daimios, with or without the concurrence of the Tycoon, or less openly aggressive but not less seriously obstructive acts on the part of either,—one or the other is so obviously in accordance with all our past experience and present knowledge of the people we have to deal with, that I deem it imperative to take every means in my power to anticipate, and if possible prevent, the initiation of such a policy. This cannot be done without incurring much trouble, and even expense, which, if the event be attained, may seem after the event to have been unnecessary. But only thus can effect be given to the general spirit and tenor of my instructions to maintain our Treaty rights. I believe it is essential that all who exercise rule in Japan should clearly understand that we intend to enforce respect for those rights; to resist with arms, if need be, all attack; and that the time has gone by irrevocably for concessions contrary to the spirit and intent of existing Treaties. I trust in this course to meet with your Lordship's approval, and I have therefore thought it expedient to submit in more detail than I otherwise might have found necessary, the grounds of my conviction and the actual state of our information on the present state of parties and the prospects of the country in the crisis through which it is undoubtedly passing.

Inclosure 1 in No. 20.

Extract from the "Japan Commercial News."

THE most important epoch in the history of our relations with the Japanese is before us. The Tycoon, having been compelled to pay obeisance to the Emperor, having been called upon to refute and answer the charges of his accumulating enemies, has, through wise counsels, succeeded in not only ingratiating himself with the Mikado, and being the recipient of another token of his regard in the shape of higher rank and title, but has won the admiration of several of the most powerful Daimios, and a good understanding has resulted from his fearlessness and promptitude in daring the emergency.

The question as to foreigners and Japanese foreign policy is not only agitating the higher powers at Miako, but is the all-absorbing topic with all classes of Japanese, and pervades all communities. And rightly do they judge of its importance: all other matters fade before the single one; for as they decide now, so will they have to abide.

It has been contended by the several Daimios now at Miako, that the Mikado and the Tycoon should, for the safety and welfare of the country, delegate power to half-a-dozen of the great Daimios, representing all phases of political opinions, to confer and decide as to the will of the nation in regard to foreigners; and that the views agreed to by those six Daimios should receive the sanction of both the Mikado and the Tycoon, and become the law of the land.

In a spirit of conciliation, and with a desire to produce harmony in the Empire, the following Daimios have been appointed and have entered into a Conference:—Etchizen, Tosa, Aids', Stotz'bashi, Shimatz'saboro, Oowajima.

We recognize in the above list staunch friends of foreigners and of a liberal policy to the end that Japan be opened to unrestricted trade and unlimited prosperity; and although two, if not three, are as unremittingly opposed to all concessions, and evince a desire to see the country freed from our presence, we do not despair of the result.

The effects of opening the country to foreigners by a decision of the Conference will prove that march the wisest they can adopt. If Japan must proceed in the course of other nations and has interests identical, her rulers will be sagacious in removing all obstacles to trade, rather courting the foreigner for his arts and manufactures, instead of having to submit, after a bloody war and a loss of honour never to be retrieved; for as sure as the sun gives light, so surely will Japan be unlocked from its isolation and seclusion.

Our advices from Miako report that a decision by the Conference will be had before third Japanese month, or about the middle of April, and we hope to place before our readers the result of their deliberations.

Inclosure 2 in No. 20.

Extract from the "Japan Commercial News."

THE intelligence which we gave some weeks ago relative to an attack by the batteries at Shimonasaki upon one of Satsuma's ships, is further confirmed by accounts which have reached us during the week.

For the following account of the affair, written by Satsuma's Agent at Yeddo, we are indebted to a gentleman whose extensive knowledge of the Japanese language gives him special facility for obtaining reliable information upon Japanese affairs.

It appears by this document that there is a good understanding among the Daimios upon the policy of closing to foreign ships the Inland Sea; and secondly, that the Prince of Nagato is still doing just as he likes with his batteries, in spite of, if not with the sanction of, the chief authority of Japan. Choshu, after Japanese fashion, pleads ignorance, and blames those on board the steamer for neglect of the preconcerted signals which should have been shown in time to prevent the mistake.

Report from the Prince of Satsuma's Representative at Yeddo to the Gorogio, respecting the Destruction of one of the Tycoon's steamers by Choshu.

The Prince of Satsuma had borrowed one of the Tycoon's steamers at Nagasaki, and she had gone to Satsuma's domain. Being in want of repairs, she was sent through the Inland Sea on her way to the Nagasaki foundry to be repaired, on the 22nd of the 12th moon (24th January) of last year. Two days after this she came to an anchor in the Straits of Shimonasaki at 8 o'clock in the evening. Shortly after this batteries on the northern shore opened fire upon her. Supposing that the steamer had been mistaken for a foreign vessel, the commanding officer ordered signal-lanterns to be hoisted at the mast-heads, according to an agreement entered into among the Daimios, to provide against such a misunderstanding. The signals were made and hauled down, but the firing commenced again; and as there was no attention paid to the signals when repeated, there being no help for it, the anchor was weighed, and the steamer directed towards the harbour of Shiro-no-e-Mura, in the district called Awotoma, on the coast of Kokura. But a fire soon broke out in the ship and she was consumed before she reached the port.

Of the ship's company, nine officers and nineteen others, including the engineers, lost their lives. Their bodies have not been found.

This is the report received from Satsuma, at his palace in Yeddo, and we forward it immediately to the Government.

No. 21.

Lord Lyons to Earl Russell.—(Received May 29.)

My Lord,

Washington, May 17, 1864.

ON the 5th instant I waited upon Mr. Seward at the State Department, and mentioned to him that one of the objects which the Japanese Government is said to have in view in despatching a fresh Special Mission to Europe is, to enter into negotiation with the Treaty Powers for the closing of the ports of Yeddo and Yokohama. I proceeded to inform Mr. Seward that I was directed by your Lordship to state to the United States' Government that Her Majesty's Government would refuse altogether to negotiate with the Japanese Mission for that purpose.

Mr. Seward said that he entirely agreed with Her Majesty's Government in thinking that no proposals tending to the abandonment of any of the rights secured by the Treaties with Japan should be listened to for a moment; indeed that, for his part, he thought that the concession which had been made some time ago with regard to a delay in opening one of the ports had been a mistake.

I thought it well to read to Mr. Seward your Lordship's despatch of the 20th ultimo, which I had brought with me. He listened to it attentively, and said that the instructions which he had given to the United States' Minister in Japan were entirely in conformity with your Lordship's views. I asked him whether he had received information that the Japanese Mission was to make purchases of vessels and munitions of war, and that a large credit had been opened for this purpose with a European Bank. Mr. Seward answered that no information of the kind had reached him.

I have, &c.

(Signed) LYONS.

Earl Cowley to Earl Russell.—(Received June 3.)

Paris, June 2, 1864.

(Extract.)

THE Japanese Ambassadors having pressed for an interview with me, I received them this morning.

They stated their wish that I should inform Her Majesty's Government that it was their intention to proceed shortly to England, with a view of offering explanations as to the difficulties which had arisen in regard to the full execution of the Treaty of August 26, 1858. I said that although they would be received with the respect and courtesy which belonged to them as Ambassadors, I would not have them indulge the hope that the smallest concession would be made by Her Majesty's Government in the conditions of the Treaty.

The Ambassadors have had four or five conferences with M. Drouyn de Lhuys, but without any result.

Sir R. Alcock to Earl Russell.—(Received June 13.)

Yokohama, April 14, 1864.

(Extract.)

THE prolonged absence of the Tycoon and the Gorogio, with the exception of a single Minister who cannot act on his own responsibility, raises serious obstacles to the transaction of any business with the Government of the country. It seems not unlikely, indeed, that this may be one of the objects sought by those who hold the governing power. To reduce the foreign Representatives to a state of helplessness and inaction, whatever causes of dissatisfaction may exist, by the simple fact that there is no ostensible Government at the capital to whom they may address themselves, is certainly a policy which must have much to recommend it to the Japanese mind, more especially so because it is calculated to baffle, without giving direct occasion for hostile action. Indeed, it goes far to neutralize all power of attack, by removing the Government out of reach. It further renders impossible all preliminary discussion or negotiation by which things might be brought to a decided issue, while the Government of the Tycoon, together with all those who may be exercising control over him or his Council, are secured from any liability to pressure from without. They are thus not only exempted from all trouble and anxiety, but they secure an easy victory, while the Treaty Powers are kept at bay.

Upon a review of present and contingent conditions, I have not thought it prudent to take any steps to alter the *status quo* which I found established on my arrival. Colonel Neale had not resided in Yeddo even for a few days, I understand, since December 1862. Mr. Pruyn, the American Minister, has never taken up his residence there since he was burned out, and finally driven away a few days later under menace of instant attack. This was in June last. Swiss and Prussian Representatives have, it is true, in the interval been allowed to dwell in Yeddo for longer or shorter periods; but their residence was obviously of a provisional character only. The French Minister has equally avoided with Colonel Neale occupying even temporarily the temple set aside for the French Legation, and at this moment no Diplomatic Agent of any kind occupies quarters in the city.

I do not see the way to effective action at present, and while the Tycoon is absent, incendiarism and assassination have done their work, and effected the end for which I have no doubt whatever they were employed. These weapons would again come into use if, contrary to the wish of a ruling hostile class, residence were resumed before new relations had been established.

Under these circumstances I conceive nothing can advisedly be attempted in this direction. The recovery of this lapsed right will have to follow now, and not precede, other measures; and as regards our position generally, the time has hardly yet arrived for action. Mr. Seward wrote in June last to Mr. Pruyn, the resident Minister here, directing him to inform the Tycoon that the United States would co-operate with us "in all necessary efforts and by the use of all necessary means, to maintain and secure the fulfilment of the Treaties on the part of the Japanese Government;" and in respect to the only other Powers likely to take any part in co-operation for the removal of existing difficulties, France and Holland, there is little doubt of their concurrence and support, so far at least as the appearance of their flag in any coercive measures, may be held to realize the condition.

Four of the maritime Powers, then, forming a sufficient *consensus* to carry great moral weight with the Japanese, may at present be counted upon. But the Americans have no ship in these seas, the French but one at this moment, and the Dutch two only, between Nagasaki and Hakodadi.

Between a full assent, therefore, to the principle of such instructions as Mr. Seward gave the United States' Minister, and the adoption at any particular moment of active measures in common, to give them effect, there is a wide interval, and much room for divergence of opinion, as well as changes in the relative position of the Treaty Powers towards each other and the Japanese Government. The Marines have not arrived, nor have I taken any steps to bring up the remainder of the 20th Regiment from Hong Kong; the great expense and practical difficulty in finding quarters for them in the narrow limits of Yokohama, with rents at fabulous rates, operating as a cause of delay. The Admiral's flag-ship is at present crippled by small-pox; and the French Admiral with his chief force is in China. Under such circumstances we must perforce be content to wait, and watch the course of events. We may console ourselves with the reflection that were all necessary means at hand, our present compulsory inaction would still seem the best policy. The only wise course, indeed, would appear to be that already traced by your Lordship in your reply of November last to Mr. Seward,* in which it is stated that Her Majesty's Government, looking to the uncertain

* *Mr. Adams to Earl Russell.*

My Lord,

Legation of the United States, London, September 30, 1863.

I AM directed by my Government to submit to your consideration the copy of an extract of a despatch addressed to the Secretary of State by the Minister Resident of the United States at Japan. Should it be deemed expedient by Her Majesty's Government to have recourse to any of the measures suggested in it, I am instructed to say that the United States would cheerfully direct Mr. Pruyn to labour on their part for their adoption in the interest of all the Western Powers.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure.

Mr. Pruyn to Mr. Seward.

Sir,

Legation of the United States, Japan, Yokohama, June 27, 1863.

IN the hope that the situation of affairs at home may soon be so improved as to admit of your proposal of 1861 being carried into effect, it may not be improper to say that I am satisfied the public mind in this country will not be quieted until the Treaties are ratified by the Mikado.

Until this is done, the position of foreigners must continue precarious, and their presence occasion intrigues and perhaps civil war, because not sanctioned by the rightful Sovereign, which the Mikado doubtless is theoretically, and also practically, should the Daimios gather around him.

The opponents of the Tycoon's Government can only in this way be driven from the cover which they now assume in their machinations to accomplish their selfish purposes, whether such be to supplant the Tycoon, or by confining trade to its former channel (Nagasaki), again reap the sole advantage.

To secure this ratification, a demonstration on Osaka (twenty miles from Kioto) would be necessary, backed, if this should not at once be successful, by a land force to move on Kioto.

I have no doubt the Treaties would be ratified as soon as a strong joint naval force reached the Bay of Osaka.

I am, &c.
(Signed) ROBERT H. PRUYN.

Earl Russell to Mr. Adams.

Foreign Office, November 10, 1863.

Sir,

HER Majesty's Government have attentively considered the matter referred to in your letter of the 30th of September, and they request that you will have the goodness to express to the Government of the United States their acknowledgments for the friendly offer conveyed in your letter to instruct the United States' Minister in Japan to co-operate with the Representatives of other Powers with a view of making such a communication to the Government of Japan as was indicated in the letters addressed by Mr. Seward to Lord Lyons on the 14th and 20th of May, 1861, and also of carrying out the other measures which Mr. Pruyn in his letter of the 27th of June last appears to consider essential for the improvement of the position of foreigners in Japan.

Her Majesty's Government, however, looking to the uncertain state in which matters at present appear to be in Japan, think it better to wait till the further progress of events shall show more clearly the line of policy which will be most conducive to the relations of peace and the development of commerce with Japan.

It would appear from the correspondence of the Minister of the Prince of Satsuma with Colonel Neale, recently published in the "London Gazette," that the power and right of making Treaties is acknowledged by that powerful Daimio to reside in the Tycoon.

But I need scarcely assure you that Her Majesty's Government set great value on the co-operation of the United States' Minister in Japan with the Representatives of Her Majesty and of other European Powers in their endeavours to place affairs in that country on a footing generally advantageous to all foreign nations having intercourse with it.

I am, &c.
(Signed) RUSSELL.
D 2

state in which matters at present appear to be in Japan, think it better to wait until the further progress of events shall show more clearly the line of policy which will be most conducive to the relations of peace and the development of commerce. I can suggest nothing better or more to the point now that I am on the spot, for these words sum up the whole matter, and give the common sense of it also. So long as that uncertainty prevails as to what the Tycoon and Daimios may determine upon in regard to foreigners, trade continuing without serious interruption and fairly prosperous, with a total absence of any very aggressive acts or menace to life and property; so long it may be well that action should not be taken, as a measure of general policy, to compel the better observance of Treaties, except upon some direct aggression involving, not only plain infractions of Treaties, but menace to the existing trade and the lives of those foreigners who have vested interests in the country. The justification for any hostile acts and their necessity will then become equally patent and beyond dispute; whereas anything short of this will always be deemed more or less inclusive, and leave a wide door open to cavil and doubt in reference to whatever measures of a coercive character the Treaty Powers may adopt.

It is beyond question that the proceedings of the Prince of Choshu in firing upon foreign flags, sinking native junks laden with produce for the foreign market, and effectually closing the Suonada Sea, are very objectionable, and have supplied justification for any measures the Treaty Powers might, upon deliberation, see occasion to adopt to enforce the cessation of such hostile acts. So again the virtual exclusion of all the foreign Representatives from Yeddo, and the suspension of all the functions of Government there, so far as foreigners are concerned, by the prolonged absence of the Tycoon and his Ministers, the isolated acts of violence and assassination of foreigners at the ports, and even the murder of Japanese merchants at Osaka and elsewhere, avowedly for trading with foreigners, are so many existing grievances requiring redress, and indicate a state of affairs very far from satisfactory, and by no means in accordance with Treaties. And there is the strongest ground for believing that there will be no material improvement until measures of a hostile and coercive character are resorted to—measures sufficiently decisive and uncompromising to carry conviction into the minds of all who are responsible, and the ruling classes generally, that there are some Treaty Powers at least who possess both the will and the ability to maintain in their integrity all the rights conferred by Treaties, and secure their full observance with the strong hand. They will then learn to respect such rights, as the lesser of two evils, if for no better or higher reason. But I still think it will be well that such measures should be directed by more ample knowledge of the state of parties in the country, and the respective parts they are playing, more especially as those measures, however well devised, may in the end, and despite all efforts to the contrary, prove but the signal for war, either internecine or foreign, and very probably both together.

No. 24.

Extract of a Report made to the War Department by Her Majesty's Deputy Assistant Quartermaster-General in China, dated February 15, 1864.

The following is a Return of the British and foreign vessels arrived at and despatched from Yokohama during the half year ending the 30th of June, 1863, compared with the movements during the same period in 1862:—

ARRIVALS.					DEPARTURES.				
1863.			1862.		1863.			1862.	
No.	Flag.	Tonnage.	No.	Tonnage.	No.	Flag.	Tonnage.	No.	Tonnage.
40	British	12,938	14	4,391	39	British	12,153	15	4,803
19	American	7,847	12	9,319	26	American	9,455	12	9,135
7	Dutch	1,919	5	1,023	8	Dutch	1,969	4	763
2	French	653	2	295	2	French	653	1	149
5	Prussian	1,252	..	..	3	Prussian	772	..	..
1	Russian	286	..	..	1	Russian	286	..	..
74	Total	24,395	33	15,028	79	Total	25,288	32	14,850

The exports of silk, tea, and cotton from Yokohama have been as follows since 1861:—

Export of silk—	Bales.	Export of tea—	Lbs.
1861-62	11,915	1861-62	5,796,388
1862-63	25,891	1862-63	5,847,133
1863-64	13,511*	1863-64	4,521,104†

* Same time last year 19,334 bales.

† Same time last year 4,124,091 lbs.

Export of cotton—						Eales.
1862-63	..	..	..	..	..	9,605
1863-64	..	..	..	..	..	42,910†
‡ Same time last year 6,227 bales.						

The above up to March 4, 1864.

Imports are about one-third of the exports, out of which the Japanese Government make 30 per cent. upon the introduction of specie, independent of squeezes levied on the people.

The profit to the Japanese Government is in their depreciation of the dollar in comparison with the itzebu. Dollars are of no value in the interior, having no fixed value, and not being a legal tender. The English merchants do not receive weight for weight for the dollar, the coinage of the country being of very inferior metal; $2\frac{1}{4}$ itzebus only are given for the dollar, whereas 3 are barely its weight in silver.

No. 25.

Earl Cowley to Earl Russell.—(Received June 17.)

My Lord,

Paris, June 16, 1864.

I HAVE the honour to transmit herewith a packet and box addressed to your Lordship by the Japanese Ambassadors.

I received at the same time two notes from them, with a translation in the Dutch language, the purport of which was, as far as I could understand, that they had abandoned the intention of going to England, and that the presents sent by the Tycoon to the Queen were not yet arrived, but would be delivered in course of time.

I requested Mr. Clay to call upon the Dutch interpreter who accompanies the Embassy, and to ask him to state the substance of the notes addressed to me. I desired him, at the same time, to endeavour to find out, without giving any message from me, what had caused this change in the plans of the Ambassadors; and I inclose herewith a copy of Mr. Clay's report to me.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 25.

Mr. Clay to Earl Cowley.

My Lord,

Paris, June 16, 1864.

IN compliance with your Excellency's instructions, I went to the Japanese Legation this morning, and saw Mr. Blekmann, who is attached to the Mission in the capacity of interpreter.

I told him that Dutch was not sufficiently understood at the Embassy for a translation to be made of the documents which were left here yesterday by the Secretaries of the Japanese Legation, and begged of him to be good enough to explain them to me.

He said that the first document was to the effect that the Mission originally sent by the Tycoon to England had been received there with the greatest kindness and courtesy, and that the present Mission had consequently been entrusted with a letter expressive of gratitude for that reception, and containing a list of presents: but that, as they were now about to return to Japan, they were forced to ask your Excellency to forward the letter and list to the Foreign Office. The presents would leave Japan in the first ship direct for England, and on their arrival would be handed over to Her Majesty's Government.

The second, he said, stated that different unpleasant occurrences had taken place in Japan as against England, and that, although these had been arranged, the friendly understanding between the two countries was still disagreeably affected thereby; that the present Mission had therefore been sent by the Tycoon to England to obtain an audience of Her Majesty the Queen, and conversation with the Minister for Foreign Affairs, in order to explain the national feeling in Japan, and confer as to the best mode of allaying it. Important matters had, however, in the meanwhile arisen which they were desirous of submitting to their Government, and they were, consequently, about to return to Japan, but considered it most probable that they would afterwards be ordered a second time to proceed to Europe. They trusted your Excellency would appreciate this, and had commu-

nicated it to Her Majesty's Secretary of State for Foreign Affairs in a letter of which they beg your Excellency to take charge.

I then entered into a desultory conversation with Mr. Blekmann, in the course of which I endeavoured to elicit from him what the real motive of their return was. He said that their return was purely spontaneous, and that the reason for it was, that during their stay in this country they had been able to convince themselves that neither here nor anywhere else had they the slightest chance of obtaining the closing of Yokohama or of any of the Treaty ports, nor indeed any modification whatever of the Treaty; that they felt that their failure would only be aggravated by their having applied without result to other Governments, and that they were consequently going to return at once in order to put as good a face as possible on their abortive mission.

I have since learnt from the Secretary of the Dutch Legation that similar documents to those received by your Excellency were handed to his Legation yesterday. I did not enter into any discussion of them with him.

I have, &c.
(Signed) E. CLAY.

No. 26.

The Japanese Envoys to Earl Russell.—(Received June 17.)

(Translation.)

WE have to make the following communication to your Excellency.

Since the great change in the old custom of keeping Japan closed was made, various troublesome occurrences have taken place, and the unruliness of the national feeling has increased from day to day. Therefore our Government has made all possible endeavours to check it by the adoption of proper measures. While no satisfactory result has yet been obtained, various improprieties have been committed against your country; which, although they have already been settled, have caused our Government much regret. And they, having considered by what means the unruliness of the national feeling of Japan could be pacified, and what measures should be adopted for the protection of foreigners, have come to the conclusion that the closing of the port of Kanagawa is the best remedy for the maintenance of perpetual peace and friendship.

We were therefore specially nominated as Plenipotentiary Envoys in order to enter into negotiation with the Governments of the Treaty Powers in reference to the above, and departed from Japan in the twelfth month of our past year (European February 1864) with a letter from His Majesty the Tycoon of Japan to Her Majesty the Queen of Great Britain, and another from our Ministers for Foreign Affairs to your Excellency, and have arrived here at Paris.

In regard to the closing of the above-named port, we have already had frequent discussions with the Minister for Foreign Affairs of France; but in consequence of the existing Treaty he has not agreed to it. Although the real intention of our Government is simply to pacify the disturbed public feeling and to maintain friendship with foreign Powers, yet taking his argument into consideration we find that he has right and reason on his side, and that it coincides with what his Excellency (Sir R.) Alcock, the British Minister accredited to Japan, stated to us when we met him at Shanghai, saying that the British Government would regard as unpleasant any negotiation in reference to the closing of the port. Therefore, although we should now visit the several other countries, and give a full explanation of the intention of our Government, yet it will not be agreed to; but on the contrary might perhaps cause some misunderstanding, as if our Government was cherishing an unfriendly feeling. Should this be the result, not only would the mission with which we Ambassadors are entrusted not be fulfilled, but the good understanding existing between the nations would also be impaired. In the meanwhile, as our Government think that the negotiations to be entered into by us with the several Governments will lead to a satisfactory result, they are making such arrangements in Japan as would be applicable thereto. It is thus to be feared that the delay in the negotiation of the matter may produce some unexpected misfortune in consequence of the difference of feeling between the several parties.

Having now become aware that the negotiation in regard to the closing of the port can lead to no good result, we have resolved to return to Japan, and to communicate this to the Government, so that entirely different measures might be taken for pacifying the disturbed national feeling, and for maintaining for the future a good understanding with foreign Powers. Although it might appear strange that we, after having accomplished only half the journey we had undertaken, should return to Japan without fulfilling the duty

with which we were charged, still we entertain no coolness towards your country; but, having for our object the perpetuation of everlasting friendship between the two countries, we go back to Japan regardless of our fault in not having fulfilled our duty as Ambassadors.

It is thus to be wished that your Excellency will take cognizance of our feeling, which is persistent in maintaining and perpetuating this friendship, and to give a precise account of it to Her Majesty the Queen.

We may at some future period, in obedience to orders from our Government, come back to Europe and visit your country; and we hope that by that time the friendship between the two countries shall have greatly increased beyond what it is at present. Should this be so, then we wish that your Excellency will view it as a proof of the good result of our present return to Japan.

Stated with respect and consideration.

11th day of the 5th month, in the 4th year of Boen-cew.

(Signed)

IKEDA TSIKOEKO NO KAMI.
KAWADZOE IDZOE NO KAMI.
KAWADA SAGAMI NO KAMI.

No. 27.

The Japanese Ministers for Foreign Affairs to Earl Russell.

(Translation.)

WE have to communicate the following to your Excellency.

When the Envoys were sent by His Majesty the Tycoon to your country, they proceeded on their journey in a British man-of-war; and during their stay in your capital were received and treated with much distinction.

An accurate account of this was given by them to His Majesty the Tycoon on their return, and it afforded him extreme pleasure. He, therefore, offers to Her Majesty the Queen a few presents, named in the accompanying list, as a mark of his appreciation of the goodwill shown; and has further ordered us to write to your Excellency to convey his thanks.

Stated with respect and consideration.

The 26th of the 12th month of the 3rd year of Boen-cew.

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWOO NO KAMI.
INOWOOYE KAWATSI NO KAMI.

No. 28.

Earl Cowley to Earl Russell.—(Received June 18.)

My Lord,

Paris, June 17, 1864.

I HAVE inquired of M. Drouyn de Lhuys whether he is aware that the Japanese Ambassadors have abandoned the intention of visiting England, and if so, whether he can tell me the reason.

His Excellency said that he had been much surprised when they had communicated this resolution to him a few days ago. They gave as their reason that, having found that they could not succeed in the object of their mission to France, which was the abandonment of the port of Yokohama for French commerce, and having ascertained from M. Drouyn de Lhuys, in answer to their inquiries, that there was no hope of their being more successful with the other Treaty Powers, they had determined on returning to Japan, the more so as they thought they had found the means of solving the misunderstanding between their Government and the Treaty Powers. They did not explain themselves further on this head.

M. Drouyn de Lhuys tried to dissuade them from acting on this resolution. He said that he had only given his appreciation of what other Powers would do, and that he had no authority to speak in their names. The Ambassadors had better ascertain for themselves the sentiments and intentions of other Governments.

The Japanese, however, remain firm in their resolve.

Before they leave Paris M. Drouyn de Lhuys hopes to sign a Convention with them regulating the amount of indemnity to be paid by the Japanese Government for injuries inflicted on French shipping. The Ambassadors have also expressed themselves willing

to sign an Article pledging their Government that, if the Straits of Shimonosaki shall not be opened within three months after their return to Japan, measures shall be taken to enforce a passage.

I have, &c.
(Signed) COWLEY.

No. 29.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, June 18, 1864.

I HAVE received your Excellency's despatch of the 16th instant, inclosing a packet and box containing notes addressed to me by the Japanese Ambassadors, together with a copy of the Report which has been drawn up by Mr. Clay giving an account of an interview which, under your Excellency's instructions, he has had with M. Blekman, the Dutch Interpreter who accompanies the Embassy.

I have now to instruct your Excellency to take an opportunity of seeing the Japanese Envoys, and you will explain to them that Her Majesty has the greatest desire to be on terms of friendship with the Tycoon, with whom she has concluded a Treaty calculated to promote commercial and social intercourse between the two nations; that Her Majesty, at the request of the Japanese Mission who visited this country the year before last, postponed the execution of certain Articles of the Treaty, upon the fulfilment of which Her Majesty had a right to insist; but that it would be useless to ask Her Majesty to make further concessions, and that such request, if made, would only provoke a fruitless discussion.

Your Excellency will add, that you have been desired by Her Majesty's Government to express these sentiments, and, if the Japanese Envoys wish it, your Excellency will give them a Memorandum in writing to this effect.

I am, &c.
(Signed) RUSSELL.

No. 30.

Earl Cowley to Earl Russell.—(Received June 23.)

My Lord,

Paris, June 21, 1864.

IT has not been possible for me to see the Japanese Ambassadors, as directed by your Lordship's despatch of the 18th instant, as they left Paris last night, and I only heard of their intended departure two hours before it was to take place. I sent them, however, a note, of which I have the honour to inclose a copy, and the receipt of which was acknowledged by their interpreter.

M. Drouyn de Lhuys signed a Convention with them yesterday. Besides the stipulations mentioned in my despatch of the 17th instant, it contains an article confirming the late reduction in duties made by the Japanese Government.

The indemnity to be paid by the Japanese Government is fixed at 140,000 piastres, of which the Prince of Nagato is to furnish 40,000.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 30.

Earl Cowley to the Japanese Envoys.

Your Excellencies,

Paris, June 20, 1864.

I HAVE the honour to state to you that Her Majesty's Principal Secretary of State for Foreign Affairs, having received through me the two notes addressed to his Lordship by your Excellencies, has instructed me to express to you the following sentiments.

Her Majesty feels the greatest desire to be on terms of friendship with the Tycoon, with whom she has concluded a Treaty calculated to promote social and commercial intercourse between the two nations. Her Majesty, however, at the request of the Japanese Mission who visited England the year before last, postponed the execution of

certain articles of that Treaty, upon the fulfilment of which Her Majesty had a right to insist. It would be useless to ask Her Majesty to make further concessions, and any such request, if made, would only provoke a fruitless discussion.

I avail, &c.
(Signed) COWLEY.

No. 31.

Earl Cowley to Earl Russell.—(Received June 27.)

My Lord,

Paris, June 26, 1864.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Moniteur" of this day, a Convention concluded between M. Drouyn de Lhuys and the Japanese Ambassadors.

I have, &c.
For Earl Cowley.
(Signed) W. G. GREY.

Inclosure in No. 31.

Extract from the "Moniteur" of June 26, 1864.

Paris, le 25 Juin, 1864.

L'ARRANGEMENT suivant a été conclu entre le Ministre des Affaires Etrangères et les Ambassadeurs du Japon.

Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur du Japon, désirant consolider par des témoignages d'une mutuelle confiance les relations d'amitié et de commerce qui existent entre les deux pays, ont résolu de régler, d'un commun accord et par arrangement spécial, les difficultés qui se sont élevées entre leurs Gouvernements depuis l'année 1862.

En conséquence, son Excellence M. Drouyn de Lhuys, Ministre Secrétaire d'Etat au Département des Affaires Etrangères de Sa Majesté l'Empereur des Français; et leurs Excellences Ikeda Tsikougo no Kami, Kawatsou Idzou no Kami, Kawada Sagami no Kami, Ambassadeurs de Sa Majesté le Taïcoun, dûment autorisés à cet effet, sont convenus des Articles suivants:—

ARTICLE I.

En réparation de l'acte d'hostilité commis, au moins de Juillet 1863, contre le bâtiment de la marine impériale le "Kien Cheng," sur lequel des coups de canon ont été tirés, dans la Province de Nagato, le Gouvernement Japonais s'engage à verser entre les mains du Ministre de Sa Majesté l'Empereur des Français à Yeddo, trois mois après le retour de leurs Excellences les Ambassadeurs du Taïcoun au Japon, une indemnité de 140,000 piastres Mexicaines, dont 100,000 piastres seront payées par le Gouvernement lui-même, et 40,000 piastres par l'Autorité de la Province de Nagato.

ARTICLE II.

Le Gouvernement Japonais s'engage également à faire cesser, dans les trois mois qui suivront le retour de leurs Excellences les Ambassadeurs du Taïcoun au Japon, les empêchements que rencontrent en ce moment les navires Français qui veulent passer le Détroit de Simonosaki, et à maintenir ce passage libre en tout temps, en recourant, si cela est nécessaire, à l'emploi de la force, et, au besoin, en agissant de concert avec le Commandant de la division Navale Française.

ARTICLE III.

Il est convenu entre les deux Gouvernements que, pour favoriser le développement régulier des échanges commerciaux entre la France et le Japon, les réductions de tarifs accordées en dernier lieu par le Gouvernement de Sa Majesté le Taïcoun au commerce étranger seront maintenues en faveur des articles importés par des commerçants Français, ou sous pavillon Français, pendant toute la durée du Traité conclu à Yeddo entre les deux pays le 9 Octobre, 1858.

En conséquence, tant que ce Traité demeurera en vigueur, la douane Japonaise admettra en franchise les articles suivants destinés à la préparation et à l'emballage des thés—plomb en feuilles, soudures de plomb, nattes, rotins, huiles pour peinture, indigo, gypse, bassines et paniers. Elle percevra seulement un droit de 5 pour cent de la valeur à l'entrée des vins et spiritueux, sucre blanc, fer et fer-blanc, machines et pièces détachées

de machines, tissus de lin, horlogerie, montres et chaînes de montres, verreries, médicaments; et un droit de 6 pour cent sur les glaces et miroirs, porcelaines, bijouterie, parfumerie, savons, armes, coutellerie, livres, papiers, gravures et dessins.

ARTICLE IV.

Cet arrangement sera considéré comme faisant partie intégrante du Traité du 9 Octobre, 1858, entre la France et le Japon, et il sera immédiatement mis à exécution, sans qu'il soit nécessaire de le soumettre à la ratification des Souverains respectifs.

En foi de quoi, les Plénipotentiaires ci-dessus nommés ont signé le présent arrangement et y ont apposé le sceau de leurs armes.

Fait à Paris, en double original, le vingtième jour du mois de Juin de l'an mil huit cent soixante-quatre.

(Signé)

DROUYN DE LHUYS.
IKEDA TSIKOUGO NO KAMI.
KAWATSOU IDZOU NO KAMI.
KAWADA SAGAMI NO KAMI.

En outre de l'arrangement ci-dessus, les Ambassadeurs Japonais, chargés par le Taïcoun d'offrir au Gouvernement de l'Empereur une réparation pour l'attentat dont un officier Français, le Lieutenant Camus, a été victime au Japon, se sont engagés à verser à titre d'indemnité, pour être remise à la famille de cet officier, une somme de 35,000 dollars, ou 192,500 francs.

Ce versement a été immédiatement effectué.

Les Envoyés du Taïcoun ont déclaré en même temps que leur Gouvernement prendrait toutes les mesures nécessaires pour rechercher et punir les meurtriers du Lieutenant Camus.

(Translation.)

Paris, June 25, 1864.

THE following arrangement has been concluded between the Minister of Foreign Affairs and the Ambassadors of Japan:—

His Majesty the Emperor of the French and His Majesty the Emperor of Japan, wishing by proofs of mutual confidence to consolidate the friendly and commercial relations which exist between the two countries, have resolved to settle by common agreement and special arrangement, the difficulties which have arisen between their Governments since the year 1862.

In consequence, his Excellency M. Drouyn de Lhuys, Minister and Secretary of State in the Department of Foreign Affairs of His Majesty the Emperor of the French, and their Excellencies Ikeda Tsikougo no Kami, Kawatsou Idzou no Kami, Kawada Sagami no Kami, Ambassadors of His Majesty the Tycoon, duly authorized to that effect, have agreed upon the following Articles:—

ARTICLE I.

In reparation of the act of hostility committed in the month of July 1863, against the Imperial navy's ship "Kien Cheng," which was fired upon in the Province of Nagato, the Japanese Government engages to pay into the hands of the Minister of His Majesty the Emperor of the French at Yeddo, three months after the return to Japan of their Excellencies the Ambassadors of the Tycoon, an indemnity of 140,000 Mexican piastres, of which 100,000 piastres will be paid by the Government itself, and 40,000 piastres by the authorities of the province of Nagato.

ARTICLE II.

The Japanese Government engages also within the three months following the return to Japan of their Excellencies the Ambassadors of the Tycoon, to put a stop to the hindrances met with at present by French vessels wishing to pass the Straits of Shimonasaki, and to maintain this passage free at all times; having recourse, if necessary, to employment of force, and, in case of need, acting in concert with the Commander of the French naval division.

ARTICLE III.

It is agreed between the two Governments that in order to favour the regular development of commercial dealings between France and Japan, the reduced tariffs last granted to foreign commerce by the Government of His Majesty the Tycoon shall be maintained in favour of articles imported by French merchants, or under French flag, so

long as the Treaty concluded at Yeddo between the two Powers on the 9th of October, 1858, shall last.

Consequently, so long as this Treaty shall remain in force, the Japanese custom-house will admit free the following articles destined for the preparation and package of teas:—lead in sheets, leaden solders, mats, rattan canes, oils for painting, indigo, gypsum, pans, and baskets. It will only charge a duty of 5 per cent. *ad valorem* upon the entry of wines and spirits, white sugar, iron and tin, machinery, and detached pieces of machinery, linen tissues, clockwork, watches and watch chains, glasswork, medicines; and a duty of 6 per cent. upon looking-glasses and mirrors, porcelains, jewellery, perfumery, soaps, arms, cutlery, books, papers, engravings, and designs.

ARTICLE IV.

This arrangement shall be considered as forming an integral part of the Treaty of October 9, 1858, between France and Japan, and it shall be immediately put into execution, without its being necessary to submit it to the ratification of the respective Sovereigns.

In faith of which the Plenipotentiaries above named have signed the present arrangement, and have affixed to it the seal of their arms.

Done at Paris in duplicate original, the 20th day of the month of June of the year 1864.

(Signed) DROUYN DE LHUYS.
IKEDA TSIKOUO NO KAMI.
KAWATSOU IDZOU NO KAMI.
KAWADI SAGAMI NO KAMI.

Besides the above arrangement, the Japanese Ambassadors, charged by the Tycoon to offer to the Government of the Emperor a reparation for the attempt to which a French officer, Lieutenant Camus, fell a victim in Japan, have engaged to pay as an indemnity, to be handed over to the family of that officer, a sum of 35,000 dollars, or 192,500 francs.

This payment was immediately made.

The Envoys of the Tycoon declared at the same time that their Government would take all the measures necessary to seek out and punish the murderers of Lieutenant Camus.

No. 32.

Earl Russell to the Japanese Envoys.

Foreign Office, July 6, 1864.

THE Undersigned, &c., has had the honour to receive the communication which Ikeda Tsikogo no Kami, Kawadzoe Idzoe no Kami, and Kawada Sagami no Kami addressed to him previously to their departure from Paris; and he has to make to them the following reply.

The British Government are as desirous as can be the Government of the Tycoon that friendly relations should exist between the two countries, but it rests with the latter to provide that those good relations should remain unimpaired.

The British Government trust that the account which the Ambassadors on their return to Japan will give to the Government of the Tycoon of the final determination of the Powers of Europe not to yield to the restrictions in regard to trade which it was the object of their Embassy to urge, will satisfy the Government of the Tycoon that it is useless to revert to that question, and that the best means of remaining on good terms with foreign nations is faithfully to adhere to the engagements which it has contracted, and not to indulge in the delusive hope that those engagements can be set aside.

Sir Rutherford Alcock, Her Britannic Majesty's Envoy in Japan, is fully informed of the sentiments of the British Government in regard to all that concerns the intercourse between the two Governments, and will be at all times ready to communicate frankly with the Japanese Government, with the view to the maintenance of a good understanding.

The Undersigned, &c.

(Signed) RUSSELL.

No. 33.

Sir R. Alcock to Earl Russell.—(Received July 13.)

(Extract.)

Yokohama, May 1, 1864.

IN my despatch of the 14th ultimo, I remarked that so long as uncertainty continued in reference to the result of the Great Council of Daimios, at that time assembled

in the capital of the Mikado, whither the Tycoon also had proceeded, nothing could well be decided as to any future course of action.

This uncertainty has in a great degree been removed by a series of Japanese documents which have recently been obtained from two independent sources. Each set has been carefully translated by Mr. Siebold and Mr. Satow respectively, and on being collated are found to be nearly identical; they consist of letters which have passed between the Mikado and the Tycoon, on the subject of their foreign policy, and the communication made to the principal Daimios and all the officers of 10,000 kokus and under, of the final resolution to persevere in preparations for our expulsion. The translations are herewith inclosed for your Lordship's information.

These papers, I think, bear strong internal evidence of authenticity, and are consistent in every part with numerous overt acts on the part of the chief interlocutors, about which there is no question. This also is the opinion of the Ministers of France and the United States of America; and if such communications have actually taken place between the Mikado, Tycoon, and assembled Daimios, I think your Lordship will agree with me that there need no longer be any doubt as to the character of the policy resolved upon, after great deliberation, at a Council in which all the Ruling Powers seem to have taken part. It is tolerably clearly summed up in the Tycoon's last reply, when he says, "Persistently having the intention of shutting that port (Yokohama) I have already sent envoys to foreign countries, and expect confidently that the result will be obtained." "This, at all events," he remarks, when speaking to the same effect in his first reply. If we would further know his whole mind on this part of the subject, it is easily collected from the same document. He admits, in a strain of deferential humility, that although he had last year "received the Imperial orders to expel the barbarians, he was unable to bring about that result," adding, that he believes he has conceived (or can form) "plans which shall insure victory." Or, according to another version, that he has "a stratagem in view by which he shall be certain of victory."

Having thus in every form of iteration declared the one great object of all their efforts to be the expulsion of the barbarians from Yokohama, at all events—but from the country generally, in many places—the Tycoon takes up the warning counsels of the Mikado, "not to be too rash and precipitate" in reviving "the law of punishment and warning"—their quaint mode of referring to the ancient law for the extermination of foreigners. The Mikado having lamented that "after a peace of 200 years and more they were unable by their military power to put down their foreign enemies, who, since 1853, had continuously, with fierce violence, come to their ports, so that the country has been unspeakably endangered," the Tycoon, in his final reply, "acknowledges that the barbarians must not be expelled without deliberation," having already in his former communications announced to the Mikado that he would "inspire energy into the minds of the effeminated people, and take care of the coast defences," so that "the foreign barbarian can no longer contemptuously play with us;" that he will "build many ships, and cast large cannon, so that again we can undertake for a second time our great object—the punishment and expulsion of barbarians from our soil;" adds, in conclusion, that "he has made it his duty to apply himself diligently to the military tactics and the regulation of the important changes which are about to take place in future, and carry them out according to the wish of the Mikado, in order to encourage progress in our country, to surprise the barbarians [*lit.*, drink their liver] and put the Mikado's mind at ease."

With this plain-spoken programme of a future policy before us, in which it is avowed that the resolve to expel the "barbarian" is only waiting for execution until their preparations both for attack and defence are sufficiently advanced, or foreigners may be found sufficiently off their guard to insure success, there is little room left either for doubt or misinterpretation. The fact that foreign merchants and others are here, on the faith of Treaties, for the purpose of developing trade and maintaining friendly relations, presents no obstacles to their minds. Indeed, the Gorogio, at a formal interview last October, told the Representatives of the United States of America and the Netherlands, without any circumlocution, that they "had always considered the framers of the Treaty intended it as an experiment, to last as long as it would not prove injurious to Japan. Experience, according to the Gorogio, had already pronounced its fiat. "The unsettled state of things in our realm is increasing; we are apparently approaching a revolution; there may be a general uprising among the people, who hate foreigners, and to our shame we must confess that we have no power to suppress insurrectionary movements. It is principally owing to the opening of Yokohama to trade that this deplorable state of things exists. If a continuance of trade at Yokohama be persisted in, this state of affairs will grow worse; trade will suffer, and no doubt disappear, in consequence, and then the friendship will be destroyed." But "it was to establish friendly relations that the Treaties were made."

Friendship is the corner stone—trade is subordinate to friendship, and in order to perpetuate this friendship it is of the highest mutual interest that the port of Yokohama be closed to trade."

Trade and amity being thus shown to be incompatible, foreign Powers were invited to give up the one in order to maintain the other, without which, they were told, both must go together. In the opinion of the Gorogio, "this is the only way to allay the prevailing excitement."

Failing the adhesion of foreign Powers to this Japanese view of their own interests and the mutual obligations of Treaties, we are now allowed to see the means by which the rulers of the country conceive they can attain their end—the final expulsion of foreigners. Indeed, these were stated explicitly enough, according to a document which came into our hands, purporting to give a minute of proceedings at a meeting of the Gorogio, Governors of Kanagawa, and others, when the demands for indemnity were being pressed last year. "To effect the closing of Yokohama without a war," said the Minister addressing the Assembly, "will be very difficult; every artifice must be resorted to to induce them to leave. The members of the Gorogio must be careful and wise, and must not give up until they have exhausted every argument they can put forward to bring about the desired end, without having recourse to arms. Return therefore to your countries, and store up as much rice and provisions of all kinds as you can collect; let no rice leave your territories, and turn all your saleable commodities into money. By this means we shall, in a few years, be enabled to drive the barbarians from our country."

Preparations for war, and the unscrupulous employment of every device to make the position of foreigners unprofitable and untenable, are to be adopted simultaneously; the latter, however, to be carefully kept within such limits as may defer collision until they are themselves ready for the final effort to enforce their law of "punishment and warning."

These preparations, which they feel so necessary to enable them to cope with any European fleet and army, are likely to be long enough in elaboration, if, during the whole process, either Great Britain or other Treaty Powers find it convenient to keep a large force available on the spot. But they are no less likely to be thought sufficiently advanced for action at any time, should the withdrawal of coercive means, even for a brief interval, place us at an obvious disadvantage, and without means of self-defence or reprisal.

To uphold our Treaty rights subject to a perpetual menace of attack and expulsion from the country, were it less burdensome, is hardly a fitting position for any great Western Power. When the Gorogio told the Representatives of the United States and the Netherlands that amity, not commerce, was the object of Treaties, that the latter was entirely subordinate to the former, and in any unrestricted form or large development (such as it had taken at Yokohama) was found incompatible with friendly relations, they might have very truly answered that commerce alone made Japanese amity worth preserving. Shall we wait, then, for the full maturing of all their schemes of treachery and violence to effect their avowed object, the destruction of trade, and the expulsion of foreigners, in violation of all existing Treaties? or anticipate such hostile action by taking at once some effective steps to place our relations on a more secure and less derogatory footing?

This seems to me a question the answer to which cannot much longer with safety be allowed to remain in suspense. I propose, therefore, in another despatch to submit to your Lordship some further facts and considerations bearing in a conclusive manner upon any decision.

Inclosure 1 in No. 33.

Covering Despatch from the Tenso to the Tycoon, with the Mikado's Letter.*

(Translation.)

WE think it a most precious thing that you continue in good health. We communicate to you copy of the Imperial letter which we were lately favoured with a sight of. Order must be given to the Daimios by the Tycoon, wherefore we communicate this with all speed.

(Signed) SADAYOSHI.
TOSHIKATSU.

P.S.—Also you must show it to the Daimios who were not present on the former occasion; this we inform you of as a reminder.

* The Tenso is an officer who acts as medium of communication between the Mikado and Tycoon. There are two of them.

The Mikado's Letter to the Tycoon.

(Translation.)

The copy of the Imperial letter is as below ; it was on four sheets of despatch paper :—

"We, with our degenerate body, tread the celestial throne, and humbly have received the golden pot which lasts for a myriad generations ; but our goodness is at all times very little ; and we are afraid of offending against the former Emperors and against the nation. Especially in the 6th year of Kaye (1853) and since, the foreign barbarians have continuously with fierce violence come to our ports, so that the country has been unspeakably endangered. The prices of all things have risen, and (we) have let the people be grievously afflicted. What will the Gods and spirits of heaven and earth say of us ? Ah ! ah ! whose fault is this ? Morning and evening we cannot cease from thinking over this, and have some time ago ordered all our Ministers to consult with the Tycoon what are we to do ? After a peace of 200 years and more, we are unable by our military power to put down our foreign enemies, and therefore fear that if we revive the law of punishment and warning too precipitately, the nation will, on the contrary, fall into unfathomable disasters. The Tycoon has resolutely spread abroad our will, has reformed the old laws of ten and more generations. On the one hand, he has released all the Daimios from attendance at Yeddo, and has sent back their wives and children to their provinces ; he has also given orders to every prince to carry to completion his military preparations. On the other hand, he has abolished the unnecessary expenses of the public service, and has retrenched those which are usually incurred ; he has also made large provision of war vessels. Truly this is not our good fortune, but the good fortune of the priesthood and the people also. Moreover, the revival last spring of the ancient law of coming up to the metropolis is certainly worthy of commendation. How can we esteem its value ? Fujiwara Saneyoshi and others have caused low men of the country districts to believe their violent words, and so without considering the state of the empire, without thinking of the danger to the nation, have falsified our commands, and issued orders to soldiers of low rank that they should expel the barbarians, and have madly raised up war to destroy the Tycoon. That violent servant the Laiso of Nangato has made a plaything of his master, and fired upon barbarian ships without cause, has murdered the Tycoon's messenger, and privately seduced away Saneyoshi into his province. Such mad and violent people must certainly be punished. Nevertheless, as all this arises from our own want of goodness, truly we are unspeakably repentant and ashamed. Moreover we are of opinion that if our war vessels are compared with theirs, we shall find that they are insufficient as yet to destroy the fierceness of the proud barbarians, and insufficient to manifest the greatness of our country abroad. But still you must prepare things necessary to [*] the contempt which the foreign barbarians have for us, and so doing you will set at rest the mountain tombs (departed Emperors), and will afford protection to the people. Again, you must, by the aid of the Daimios, stand on the defensive at every important port ; you must have many war-vessels made ; you must overcome the insatiate and ugly barbarians, and so doing, will carry out the law of the former Emperors about punishment and warning.

"Again, last year the Shogun (Tycoon) remained a long time at Kioto, and again this spring has come up to the metropolis. The Daimios also have been very busy, and have sent their wives and children into their provinces. All this is good. Henceforth no expenses must be incurred but those which are for military defences, and the expenditure arising out of long peace must be retrenched. You must unite your hearts and strength, must make your preparations for overcoming complete and forcible ; you must fulfil all the duties of a warrior servant ; you must not disgrace eternally the name of your family. Ah ! ah ! You, the Tycoon, and all the nobles of every province are our babes. At present the people of the empire, and we ourself, desire a reformation. You must not waste the property of the nation. You must abstain from effeminate prodigality. You must be resolute in preparing for punishment and warning. You must not neglect the duty which has been hereditary in your family. If you are indolent or remiss, you not only highly disobey our will, but you offend against the spirits of the God-Emperors, and act contrary to the desire of your ancestors. Moreover, what will the Gods and spirits of heaven and earth say of you ?

"Fourth year of Bungkew, Spring, 1st month."

Communicated by the Gorogio to all the officers of ten thousand kokus, and under, on the 20th of the 2nd month (26th March, 1864).

* There is an error in the transcription here ; probably some such verb as "cut short," which is used in the Tycoon's reply, is intended.

Inclosure 2 in No. 33.

The Tycoon's Answer to the Mikado.

(Translation.)

ON the 20th of March the Tycoon visited the Emperor, and received the Imperial Decree ; after which, on the 21st, he communicated the Imperial despatch and the reply to all the Assembly of the Daimios.

The contents of the Imperial letter which I was commanded to look at on the 27th of last month (March 2, 1864) is as follows :—That he is pleased to ascribe to his own sacred person all the misfortunes which have come upon the Empire since his accession to the Throne ; his Imperial communication I truly feel to be a fearful and pleasingly regrettable thing. But when I (*lit.*, the curtain capital) reflect that the faults committed hitherto are my own, I feel that my crime is great. Your servant Iyemochi (the Tycoon's) has, with his degenerate body, disgraced the important trust committed to him ; he has not exerted his authority aright, so that misfortunes and confusion have arisen at home and abroad ; and for years he has caused grief to the Imperial breast. This is not all. Although last spring when I went up to the metropolis I received the Imperial orders to expel the barbarians, I was unable to bring about that result ; and hitherto it has been difficult to find an opportunity to discuss the matter of shutting the port of Yokohama. Thus when, in obedience to a second command, I went up to the metropolis again, I felt certain that, having excited the Imperial anger (*lit.*, to offend against scales turned the wrong way), I should receive severe censure. But, contrary to my expectation, I not only received the Imperial praise, but also with a most benevolent and kind communication you showed that you love your servant Iyemochi and all the nobles as your own babes, and gave us admonitions and advice about the future.

As for your servant Iyemochi, verily he has no means of requiting a kindness deep as the ocean and lofty as the hills. Henceforth he will reform the innumerable old abuses ; he will look upon the Daimios as his brethren, and, uniting their strength and hearts to his own, will perform all the duties of a servant and of a child ; will diligently avoid the expenses in luxury which arise out of a long-continued state of peace ; will unrelaxingly keep on the military preparations ; will conduct the internal government aright, and will restore the people to life. The defence of the seaboard is a matter of course ; he will bring to perfection the military preparations in every province ; will put a stop to the contempt which the foreign barbarians have for us ; will vigorously construct war-vessels, and then, by resuscitating the great law of punishment and warning,* make the dignity of the Empire to him abroad. All these things he will most diligently apply himself to ; and though he fears to say it, desires thereby to tranquillize the Imperial goodness.

But he understands emphatically the meaning of the wise thought that the work of punishment and warning must not be performed madly without consideration, and believes that he can form plans which shall ensure victory. With regard to the closing of Yokohama, as he has already sent Envoys to foreign countries, he hopes to be able to accomplish this, at all events ; but, however, as it is difficult to fathom the barbarian disposition, he will exert the most zealous diligence in completing the maritime defences ; and will strictly guard his office of warrior-servant ; the great plans and great schemes shall be settled as will best ensure the country's good, so he hopes to receive the Imperial assent, thus restoring the deteriorated fortune of the Empire ; abroad he will destroy the fierceness of the proud barbarians ; at home he will protect human life, and will tranquillize the wise thoughts. On the one hand he loves to show his gratitude to the spirits of the God-Emperors, and, on the other hand, to follow out the will left by his ancestors.

This, then, is what your servant Iyemochi prays most earnestly and truthfully for.

Wherefore he offers up this for an answer.

Your servant Iyemochi, with real awe and real fear, strikes his head on the ground, and speaks with reverence.

Your servant,
(Signed) IYEMOCHI.

Note.—Wise thoughts mean the Mikado's mind.

* That is, to punish foreigners and make an example of them.

Inclosure 3 in No. 33.

Communication by the Gorogio to all the Officers of 10,000 Kokus and under, on the 20th of 2nd month (March 26, 1864).

(Translation.)

IN consequence of the Tycoon in his answer misunderstanding the meaning of the Imperial letter dated the 14th (20th March), concerning the matter of closing the port of Yokohama, the Emperor made inquiry of Stots-bashi Chiunangon, and heard in reply, by letter, that the matter of closing the port of Yokohama should assuredly be carried out. Also, there was an Imperial order that we should strenuously exert our strength, communicated in another paper.

Inclosure 4 in No. 33.

The Stots-bashi's Answer to the Mikado.

(Translation.)

THAT the closing of the port of Yokohama should be brought to a result, the defences in all the provinces should be completed, and the contempt which the foreign barbarians have for us should be put an end to, was communicated to the Emperor.

Inclosure 5 in No. 33.

Further Communication through Stots-bashi to the Tycoon.

(Translation.)

BESIDES this the Imperial order was that the defences of all the provinces is a very important thing; strenuous exertions must be made at the important ports on the seaboard, and the result will immediately appear. In this way you must set men's hearts at rest, and before many years have passed overcome the barbarians and tranquillize the wise thoughts.

Inclosure 6 in No. 33.

The Tycoon's Answer.

(Translation.)

I UNDERSTAND the private Imperial communication made to Noryoshi, that it was thought I did not comprehend clearly the Imperial letter about the matter of closing the port of Yokohama, from the reply to the Emperor which I presented on the 14th. But persistently having the intention of shutting that port, I have already sent Envoys to foreign countries, and expect confidently that the result will be obtained. I have twice received a wise communication, and I acknowledge that the barbarians must not be expelled without deliberation; also I hope to be able to perfect the maritime preparations for defences, wherefore I offer up this communication.

Your servant,
(Signed) IYEMOCHI.

No. 34.

Sir R. Alcock to Earl Russell.—(Received July 13.)

(Extract.)

Yokohama, May 6, 1864.

IN my despatch of the 1st instant I stated my conviction that the question what our future policy and course of action should be, in reference to the attitude taken by the Tycoon's Government, was one requiring immediate consideration and a decisive answer. I now proceed to submit further facts and remarks bearing on this subject.

We know now, I think it may be safely assumed, the real intentions of the Ruling Powers in this country, and the nature of the policy which after renewed deliberation they have resolved on carrying out.

I conclude from all the facts known to us, that this is one which admits of no friendly intervention or compromise; and that the only choice left to Treaty Powers, having either material interests or commerce here, is to abandon all attempt to save them

and retire to Nagasaki, as the Dutch did some 200 years ago, and with a similar result, or insist upon the execution of Treaties, with such means as may be found necessary to enforce respect for their engagements.

This conclusion is one involving such momentous consequences, if finally adopted, and rests upon so many different grounds, that I fear, even at the risk of trying your Lordship's patience with a long despatch, I must enter into considerable detail. The grave responsibility attaching to any course of proceeding under existing circumstances, whether passive or active, will I hope be deemed a sufficient justification in the end, for what might otherwise seem a claim for an undue share of attention.

The desire of the Daïmios as a class, including even those who furnish Ministers, Administrative officers, and contingent forces to the Tycoon, has been from the beginning, I firmly believe, to see the triumph of a policy of restriction, isolation, and ultimate exclusion. The opinions and sentiments so plainly expressed in the inclosed memorial of the Konges or Ministers of the Mikado, which was presented in 1858, when the Commercial Treaty with the United States of America was entered into, are those, I believe, of the whole governing class, with possibly a few individual exceptions. They look upon the Treaties as a stain upon the nation and a reproach to their courage, because signed under coercion, or the fear of it. They further regard them as an insult to the Mikado, their Kamis, and Daimios, all of heavenly descent, because foreign Powers under them claim a footing of equality, and their subjects introduced into the country have no respect for these pretensions to a Celestial pedigree and unapproachable dignity. This may in Europe seem an absurd and inadequate motive for implacable hostility, but foreigners have been slain on the causeway in support of this claim; and the Daïmios of Japan are not the first men, after all, who have resented as an unpardonable insult the denial of exaggerated or unfounded pretensions.

The fear of final subjugation as the usual course of European relations with Eastern races, and even in default of subjection to imperious dictation, under perpetual menace of "artillery and ships of war," never ceases to goad them to resistance. To these major motives may be added, as influential among the more enlightened and peacefully inclined of the privileged classes, a dread of the growth of luxury, dearness of all the common articles of consumption, dereliction from ancient customs and traditions, and, with the spirit of innovation, revolution and the destruction of all that has constituted the pride and glory of their national existence. It is only necessary to read over the memorial of these high officials of the Court of Mikado, to see how each and all of these causes contribute their influence in creating and nourishing feelings of rancorous enmity; all the more bitter because mingled with fear and a half-confessed consciousness of weakness. This it is which now finds expression in a firmly-set resolve that all foreign relations and commerce shall either be confined within the narrow boundaries of Nagasaki under stern control, as of old, or got rid of altogether, let the cost or peril be what it may.

Full confirmation of this view is to be found in the more recent memorial of eleven hostile Daïmios addressed to the Tycoon. After speaking in the most indignant terms of our pretensions to trade, not as a favour but a legal right, they observe that "the majesty and dignity of their country cannot endure such audacious conduct." They then proceed to give their opinion that all the Tycoon has to do is "to withdraw the privileges we have granted to them. It is a law that everybody who abuses a favour loses it *ipso facto*."

Again, criticising a Proclamation of the Tycoon, in which he holds out hope that in fifteen years everything will be ready for the expulsion of foreigners, they exclaim, "What do you mean by this? Do you wish to affirm that Japan will be great and powerful then, and able to resist the encroachments of the barbarians, or do you wish to say you will be able to expel them? In the first place you own Japan is weak,—this is a disgrace to the country; in the second, you appear to be willing to submit to insults during fifteen years. You, therefore, are wrong in both cases. Why not say with us, 'Japan is ready, and has ever been ready.' What is the difference between to-day and 250 years ago? Had not the foreigners large vessels then as now? Had they not artillery and large armies? Did they not know the tactics of war, &c.? It is very difficult for us to understand you when you say the world has changed, and that it is difficult for a nation to seclude itself. You therefore suppose that other nations are like Japan and China! Is there any authority among foreigners worthy of bearing the name of power? Have they a Mikado who is the grandson of the Kamis? Are not all our families of celestial origin? A great error in the foundation of all your arguments is, Japan is not yet ready. Several Daïmios have recently requested you to place the foreign question in their hands."

What is to be said of such arguments; and what diplomacy will avail with such

wrong-headed and violent disputants as these? Or what chance is there of any compromise between the extreme arrogance of their pretensions on the one hand, and our legitimate rights on the other? How did they regard the large concessions already made when the first mission went to Europe?

"You also speak to us for the first time," say the same eleven in addressing the Tycoon, "about some persons you have sent to the foreign nations. We do not approve of this mark of respect shown to people who might misinterpret your intentions, and imagine that you endeavour to obtain the object in view by entreaty. It is an undeniable fact that the barbarians have gladly consented to your proposition never to open the ports which have not yet been opened, and to restrict their liberty and privileges in the ports already opened. They felt so delighted, so much honoured in receiving Japanese, who although not high born, are respectable persons, and who must have given a lesson in politeness and diplomacy to these nations who are not yet formed."

The same language would no doubt be held if foreign Powers were weak enough after such "lessons" as the experience of the past and these puissant Daimios have given us in diplomacy, to consent to withdraw their trade and subjects to Nagasaki, under whatever further restrictions it might please such tolerant rulers to impose.

Therefore I conclude, as I have stated, that not only has the time for concession irrevocably passed, but no attempt at a compromise of such conflicting pretensions and rights could possibly succeed, however conciliatory the spirit or large the terms in which it might be proposed on the part of foreign Powers.

It is not necessary for me, however, to discuss the inexpediency of a policy of this nature, because your Lordship, in a despatch sent to the Chargé d'Affaires shortly before my departure from England,* wrote decisively on the subject.

Adverting to the fact that the Treaties have proved advantageous to the main body of the people who wish the trade to continue, and are opposed only by a powerful feudal aristocracy, which from personal motives wishes to expel all foreigners, he is informed that "European nations cannot submit to be thus deprived of an intercourse sanctioned by Treaty, and very beneficial to the mass of the Japanese people as well as to European nations."

And I myself still more recently was instructed by your Lordship† to "require from the Tycoon and the Daimios the execution of the engagements of the Treaty." Not only, therefore, is compromise or concession plainly impossible in the nature of things, but both would be equally contrary to the spirit of my instructions.

On the other hand, there is no doubt that their engagements are not kept now, and that the Mikado, Tycoon, and Daimios, plotting our destruction, are actually engaged in organizing armaments for the avowed purpose of effecting that end, if our expulsion cannot be effected by the unscrupulous employment of every species of obstructive chicane and stratagem.

There can be no reasonable doubt, I think, that the Tycoon has lately received renewed orders to that effect, and that he has pledged himself and his Government in the great Council of Daimios to carry those orders out by force whenever he is strong enough to do so, if he fails to contrive other means of arriving at the same end. In the meantime the Prince of Choshu, under the Mikado's orders, as he alleges with every appearance of truth, has closed the passage of the inland seas, and erected batteries expressly for that purpose. He has fired indiscriminately upon ships of war and other vessels carrying foreign flags attempting to pass the Straits.

This hostile attitude and declared purpose of obstruction still continues, and has even been extended in its application to all native vessels carrying produce for the foreign trade at Nagasaki, and to a steamer flying the Tycoon's flag, which he sank. The Captain's head was even taken to Kyoto as a warning to all who venture to hold commerce with foreigners. True, the Mikado and Tycoon are said to have disavowed his acts; but a document which has recently reached my hands, giving the Prince's own version of affairs, throws great doubt on the *bonâ fide* character of any such disavowal. It seems meant only to pacify the Treaty Powers whose flags were insulted, and prevent their taking active measures of reprisal. Certain it is no steps have ostensibly been taken, either by Mikado or Tycoon, up to the present time, now ten months since the acts of hostility began, either to punish the aggressor, remove the obstruction to trade, or afford material redress.

The Treaty, then, in many of its most important provisions, is in abeyance, and batteries, directed for the evident purpose of interrupting the passage of our merchant-ships, and stopping trade, which "have exercised their hostile purpose by repeated hostile

* See "Correspondence respecting Affairs in Japan," presented 1864, No. 64, p. 100.

† No. 1, p. 1.

acts," to quote the words of your Lordship's despatch, still remain defiant and menacing. How is this state of things to be dealt with? Shall we wait for more disastrous acts of hostility and aggression, or take the opportunity afforded by the Prince of Choshu's persistence in the course of hostility and obstruction he has adopted, to strike, if possible, an effective blow at the whole system, by destroying his batteries, and demonstrating to all of his class and mode of thinking the utter futility of their most formidable preparations, either for attack or defence?

I am persuaded that no other course the Treaty Powers could adopt at the present time would be so well calculated to put an end to all this incessant plotting and agitation for our expulsion, or at so little cost to the attacking force. The unprovoked hostilities of this Daimio, whether committed on his own account or at the behest of his Sovereign, offers the opportunity of reading the whole body of Daimios a lesson sorely needed, and under the best possible conditions. The provocation is notorious as it was premeditated, the outrage flagrant, the persistent intention of hostility and obstruction of foreign trade loudly proclaimed, and the fact of loss and injury inflicted upon foreign commerce is beyond question.

Again, the disavowal of the Mikado and Tycoon, coupled with their inaction and slowness to afford redress, while it places him in rebellion to them, and without any legal status, leaves the foreign Powers full liberty of action.

All these circumstances combine to recommend the destruction of his batteries as a sound measure of policy; for it must not be forgotten that, whether the Prince of Choshu has really acted in conformity with the orders of his Suzerain, or in pursuance of his foregone "determination to fight," which in a document in my possession he declares he had formed "ever since the commencement of the affair of the barbarians in 1853" (Commodore Perry's Treaty), he can appeal for his justification in the eyes of all Japanese to the ancient law, still unrepealed, which renders it imperative on every true and loyal Japanese to make war on the foreigner, and expel him from the sacred soil of Nipon, which he desecrated by his presence. While this law is allowed to stand, there can be no security to foreigners; nor is it easy to see by what legal process Japanese authorities can call any one acting upon it to account.

Adequate means happen to be at hand to effect this desirable object. And if the concurrence of the Tycoon cannot be obtained, he can hardly dispute the right of Treaty Powers to take the law into their own hands, in view of his own inertness and the continuance of the wrong and injury inflicted. The Tycoon cannot regard such proceedings as an act of war directed against his own Government, nor do I think he will be so disposed. But they could scarcely fail to demonstrate to him, in their result, and to all who have been urging measures for the forcible expulsion of the "barbarian," the total inadequacy of their means. And the political action of a Government, even in Japan, must be supposed to be based on some calculation, however erroneous, of the sufficiency of means to ends.

The arguments in favour of such a decided course, and against a merely passive and expectant policy, are by no means exhausted. If the steps now contemplated be much longer deferred, the opportunity may be lost. Either this individual Daimio may condone his offence with the Mikado and Tycoon, or cease for a time, with a view of paralyzing our action, his hostile measures. At a later period the force required to deal with such an aggressor may not be at hand.

Whether it may be too late now to repair the mischief and recover the lost ground, remains to be seen. In any case I entertain the strongest opinion that decisive action in this direction is becoming a necessity of our position. I think it should be taken collectively, however, as a measure imperatively demanded in the common interest. Not only does it involve no act of hostility to the Tycoon, and no hostilities against the nation, but it entails no danger to any great centres of population, none being in the immediate vicinity of the batteries in the Straits.

Finally, the course now under consideration has this further recommendation, that it is not likely to entail any serious danger to the open ports. They are all at a considerable distance from the scene of action, and would be under the nominal safeguard at least of the Tycoon, not himself the object of attack.

As to the amount or kind of concurrence on the part of the Tycoon which it may be possible to obtain on the one hand, or on the part of my colleagues who signed the Agreement* of last July on the other, I cannot, for the moment, afford your Lordship any definite information. The Tycoon is absent, so is the Consul-General of the Netherlands; and a new French Minister has only just arrived and entered upon his office. Some time may therefore be required to arrive at any certainty on these points. But, in the meanwhile, the "Conqueror," with the Marines, is not yet here, and the principal portion of the 20th Infantry is still at Hong Kong. Some delay would, therefore, be unavoidable, if

* See "Correspondence respecting the Affairs of Japan," presented 1864. Inclosure 3 in No. 61.

the action here contemplated as expedient were finally determined upon in consultation with the Admiral. While the final result is still in suspense, I trust I may be permitted to trespass on your Lordship's time by a few remarks on points not yet touched upon, but which ought not to be overlooked in any decision.

It may be said that many of the arguments are based upon documents of the authenticity of which there is no sufficient proof. To this it may be replied, that the counterpart, and best proof of their general reliability, is to be found in the acts both of the Tycoon's Government and the Daimios, and in the perfect consistency of these with the opinions and sentiments attributed to them when in secret Council. And to what but the bad faith of that Government, its jealous isolation of foreigners from all the educated and more respectable classes, and constant refusal to furnish any reliable information, in manifest violation of both the letter and the spirit of Treaties, is it due that we are thus reduced to the necessity of groping in the dark for truth, and relying upon secret sources of information, wanting in the best guarantees of accuracy? These papers seem to show the Tycoon's Government opposed to the execution of existing Treaties as regards trade, and to contemplate its further restriction. How is it possible to doubt this when a facsimile is obtained of a mandate extensively circulated among the native merchants and officials, prohibiting the sale of the chief products without official sanction, and restriction as to quantity? What is the use of Treaties if they are to be thus put aside, and their chief provisions annulled? This is only one of innumerable instances of proof and counter-proof, bearing out the genuine character of the information, often obtained in despite of all the efforts of the Tycoon's Government to deceive and keep us in the dark as to their action or intentions.

Seeing, then, that there is such cumulative evidence of a deliberate resolution to baffle all our efforts, by conciliation, concession, or diplomatic agency, to obtain the legitimate ends provided for by the Treaty, and in last resort to drive both the foreigner and his trade from the country, as soon, that is, as they can muster in sufficient strength to do so by force, to what means shall we trust for securing a different and less disastrous issue? The Treaty Powers have long been condemned to a state of dissatisfied inaction, while a manifestly obstructive policy, and more or less aggressive acts, have inflicted serious injury. Without reasonable ground of hope that time or patience will bring improvement, but on the contrary a certainty that worse will befall, it is difficult to avoid the conclusion that it is rapidly becoming a necessity of the position made for us by the signal bad faith of the Tycoon and Daimios, to take the first fair opportunity of striking an effective blow at the whole system of perfidy and obstructiveness so perseveringly pursued. If possible, it is of course desirable to do so without entering upon general hostilities against either the Government of the Tycoon or the country. Such an opportunity seems still open to us. In attacking in his stronghold the most violent and rash of his class, it may be possible, I conceive, by one blow to paralyse the whole body of Daimios. If the attack were as successful and effective as I think might be safely anticipated with the means at command, I see every reason to believe that such a conviction of hopelessness and utter incapability of carrying to a successful issue schemes for our forcible expulsion might be borne into the minds of all the ruling Powers, from the Mikado and Tycoon down to the two-sworded Samourai and masterless Ronin, as would suffice to put an end to all further plotting. The command of the inland seas and the whole internal trade of that portion of Japan which must of necessity be in our hands during any operations, would do more, probably, to bring the Court of the Mikado and of Yeddo to a sense of the danger and folly of entering upon hostilities with the Treaty Powers than any course of diplomacy however able or longsuffering the spirit animating it. If commerce is to be maintained with this country, I am perfectly convinced it can only be by a timely display of firmness, and a determination not to yield either to menace or violence. Of course this must be backed by force, and whatever resort to it may be necessary to compel respect for Treaties. Something must be done to stop this underhand plotting for our final expulsion and the rupture of all friendly relations, or the end will assuredly come. No other course seems to me open to the Treaty Powers having commercial interests to defend. None, that is, consistent with efficient protection of these, or with any rational hope of arresting the Daimios before they are committed too far to retreat. It may be possible by prompt and energetic action to turn them from the dangerous path they seem to have chosen, and before they succeed in dragging both the Mikado and Tycoon in the same direction. To all appearance this unfortunate country is being precipitated into a war by the jealousy and narrow class interests of a feudal aristocracy backed by their armed retainers. If it be possible by a more vigorous policy than has hitherto seemed expedient, or perhaps practicable, to avert such a calamity, the effort, I think, should be made, even though it involve a certain risk; for the alternative is a probable catastrophe, and a war of a protracted kind at no distant period.

Inclosure 1 in No. 34.

Extract from the Japan "Herald."

WE have been able from time to time to obtain possession of certain copies of documents (the authenticity of which we have no reason to doubt) in the original, which have more or less political importance. Our readers can readily comprehend that to obtain even the sense of these is a work of no small labour; but to attend to the full translation of all of them, even if our limits would permit us to publish them, would be a task really beyond our means; our only course, then, is to obtain some insight into their subject, and produce them as the course of events may render desirable. The documents which we present to-day hereunder have been some time in our possession; and, having such intimate connection with the present momentous crisis in Japanese affairs, we now place what we believe to be a pretty good translation of them before our readers. We believe that their importance can be scarcely overrated, but that to the present inquirer into Japanese politics, as well as the future historian, they are invaluable, as throwing a powerful light upon the great questions—how far, according to the constitutional laws of Japan, any Treaties made by inferior authorities, without the sanction of the Mikado, could have effect binding upon the nation, and how far, and in what manner, and at what precise period, he was consulted on the subject of the Treaties with foreign nations, and to what extent he, tacitly or otherwise, concurred in them.

A London contemporary thus writes:—

"Is it possible that after all, our Treaty rights cannot be legally maintained, and that we have actually mistaken the personage whose authority can alone be binding in any such engagement with foreigners? Have we been satisfied with an alliance with the Tycoon, when we should have gone direct to the Mikado? We can only say that from the news which has lately reached us this seems highly probable, and if it be correct, it follows that our most arduous task has yet to be accomplished. It is tolerably clear, as 'Yesso' remarks, that, come what may, we should not withdraw from Japan; it is also clear that some prompt and vigorous measures must be adopted if we are to stay there as peaceable traders. The difficulty to be solved is, what shall these measures be?"—"London and China Express."

We ourselves only two or three weeks since expressed our sincere conviction exactly in unison with the above opinion, that prompt and vigorous measures must be adopted if we are to maintain our position in this country; we added, however, one other requirement, no less an element for such success—namely, co-operation, both in the council-room and elsewhere, if and when needed, between the Representatives of all the Treaty Powers. Let us now examine, with the valuable aid of these documents, as far as our limited space will permit—first, that which we have alluded to above as, *par excellence*, the question, as to the Mikado's part in the making or sanctioning the Treaties; and then, how far prompt and vigorous measures, in co-operation between all the Representatives of the Powers, may be hoped for and anticipated.

It would seem that in all matters in which the great interests of Japan are involved—whether recommended by the Tycoon or by the Gorogio—or even if "sent down" from the Mikado, certain requirements have to be complied with in order to give force to any change—the first ingredient of which is that the measure shall undergo the ordeal of submission to all great Daimios for their opinions; we shall see presently what follows thereupon.

Document No. 1 shows us that in the matter of foreign Treaties this was done, and by a careful comparison of dates we shall find the probability arise that "the Tycoon's Government consulted the Mikado about the conclusion of the Treaty of foreigners," immediately before the time mentioned in the first part of the following sentence of the letter addressed on the 30th of May, 1861, by Koodsi Yamato no Kami and Ando Tsoosima no Kami to Mr. Alcock:—

"After the arrival of the American Minister, Townsend Harris, as the circumstances of all countries were occasionally communicated to us, our Government, having taken into consideration the existing posture of foreign affairs, concluded the Treaty," &c.

We then learn by the same document that the Mikado having answered that the conclusion of the Treaties would distress him very much (for it seems to read in the imperfect tense), the Tycoon then complied with the constitutional law we refer to, and requested from all his subjects, in the prescribed order (Daimios with revenues of upwards of 10,000 kokus by the Gorogio, and those under this revenue by an Ometski), their written opinion upon the subject. And now let us see what is the next requirement to give force to a fundamental change, such as the admission of foreigners undoubtedly was.

It is this; that having thus obtained the election of the Daimios, the opinion of the majority (if favourable to the Government) must be forwarded to the Mikado for the sanction of his authority, which obtained, but not otherwise, it becomes law.

But it is doubtless that "although very little time was required to gather together the opinions of the Daimios upon the subject," this little time was not accorded; that "circumstances of all countries were occasionally communicated to them," and "the existing posture of foreign affairs explained to them;" or, to use the words of Vice-Admiral Sir J. Hope (August 20, 1861), "adroit use was made by the American Minister of the success of English and French forces in China." And thus (quoting the explanation given by the Japanese authorities to Mr. Alcock on the subject of the system of terrorism and intimidation enforced by the then recent attempts at assassination)—

"Moved by various considerations suggested, first by the Dutch, and afterwards urged upon them by the Americans, the Governing Powers in an evil hour had been induced to make a sudden and violent change, admitting foreigners and their trade with diplomatic relations and free intercourse, thus reversing all the traditions of the country."—See letter of Mr. Alcock to Lord John Russell, July 9, 1861.

We may now see that just at this juncture, during this "little time," that the step for compliance with the forms necessary to obtain legality was passing, that—

"The news that in a short time English and French men-of-war should arrive here, and that those two nations which had been so victorious in China would come to Japan in the same warlike spirit displayed by them. The American Ambassador proposed that the Japanese should make a temporary Treaty, and he could be mediator between them and the French and English as soon as we should have signed and given him the Treaty, and then he would try and save us from all difficulty."—Tycoon's Circular, August 1858.

This is doubtless all very true, and the Japanese may have more or less ground for asserting that it was during a blindness caused by the American Minister throwing very sharp dust in their eyes that they consented to the signature of the Treaties which admitted foreigners; they have doubtless felt since that they were misled by the talk of 300 French and English men-of-war, then within five or six days of the Japanese shore, with numerous forces whose rapacity would be naturally wetted by recent successes and would, perhaps, in a few days be directed towards their beloved country—but they saw, when it was too late, that immediately England and France were satisfied with having enforced upon the Chinese the necessity of fair play in dealings with these nations, their ships-of-war quietly and peacefully returned to their own countries; that they had no desire to exercise their "warlike spirit" upon an inoffensive happy country; and without doubt they then felt all the kind sympathy and care of the American Minister had some other end in view, and that the promised mediation—"The President of the United States, at the request of the Japanese Government, will act as a friendly mediator in such matters of difference as may arise between the Government of Japan and any European Power."—*Article II of the American Treaty*)—which was the consideration they thought they obtained for their signatures, was after all no consideration, not even a mess of pottage, but an utterly worthless, and perhaps worse than worthless, return for deeply coveted but anxiously withheld valuable privileges. This seems to us the fair interpretation of this document.

The document then goes on to state:—

"It was impossible for us to comply with this without consultation with the Mikado." "Necessity compelled the Japanese to act thus." "The Mikado on hearing of this was much troubled."—*Ibid.*

By document No. 3 we learn that on the 24th day of the 12th month, the Mikado had written recommending that if it were necessary to conclude any Treaties, the Tycoon must make exceptions in favour of the neighbourhood of Miako, and that Hiogo, in Setzou, should be left out if possible, for on the 23rd day of the 2nd month of the next year (corresponding to April 1858) he reiterates these instructions to Hotta Bittjou no Kami; by this (No. 3) therefore it will be seen that on those dates orders had gone forth to postpone and refuse, if possible; but that the Tycoon's Government, under the representation of the American Minister before alluded to, did not think this was possible, and, therefore, that he acted under the powers implied in the words "if it be necessary," which we find in document 3, and, thus deriving his authority to exercise his discretion, authorized (see document No. 1 the words "signed themselves or were authorized to sign") Inoe Sinano no Kami and Iwasay Higo no Kami to sign the American Treaty, the necessity under which he was empowered so to act being distinctly set out in the Tycoon's circular.

No one having attentively considered these documents can longer doubt for a moment:—

1. That the Treaties were signed with a sufficient authority of the Mikado, even

though we must admit that there is everything to show that the exercise of that authority was a great source of grief to him.

2. That our Treaty rights can be legally maintained ; and

3. That we have not mistaken the personage whose authority can alone be binding in any such engagement with foreigners.

With these hypotheses we come to the next great question, What shall be the prompt and vigorous measures which must be adopted in friendly co-operation by all the Treaty Powers if foreigners are not to give up their Treaty rights thus acquired ? We do not presume to say, but we do repeat our belief that the responsibility is upon those who are here at the present time as Representatives of the Treaty Powers to act "promptly and vigorously," at least in withstanding encroachments, and although we do not presume to say "what must be done," we do boldly hold up to them the opinion—for it is not our own only, but that of no less an authority than Earl Russell himself—that "there is one thing which must not be done—that concessions must not be made without equivalents—that so far from restricting or abandoning the trade of Japan, it must be maintained, and, if possible, enlarged, and that the reputation of the British (Western) name must be preserved undiminished."

Circular from the Tycoon, dated the 6th month of the 5th year of Anchei (this corresponds with our August 1858), sent by order of Yamato no Kami by the Ometski Kouro Kawa Sadjou.

The Mikado having been consulted by the Tycoon's Government about the making of Treaties with foreigners, he answered that the conclusion of the matter (the making the Treaties) would distress him very much. Thereupon the Tycoon requested all to send their written opinion upon the subject. Only a short time was required to gather together every one's opinion, but in the meantime some Russian and American men-of-war came here, bringing the news that in a short time English and French men-of-war would arrive here; that those two nations had fought and won many battles in China; that they would come here in the same warlike spirit, and it would be difficult for us to negotiate with them. The American Ambassador offered to us that if we would make a temporary Treaty with him, as soon as we would have signed and given him that Treaty, he could act as mediator between us and the French and English, and could save us from all difficulties.

It was impossible for us to comply with this without consultation with the Mikado; however, Inoe Sinano no Kami [and Iwasay Higo no Kami?], fearing the immediate assault (or breaking out of a war), the results of which might be the same as in China, signed themselves, or were authorized to sign, the American Treaty at Kanagawa, which Treaty was given up to the American Ambassador.

Necessity compelled the Japanese to this.

The Mikado on hearing of this was much troubled, but to reassure him we told him we would fortify our shores.

The Tycoon thought there was the necessity of concluding the Treaty, and he at once sent to the Mikado the messenger, that every one should express fearlessly his opinion on the subject to the Government,

The Daimios with incomes under 10,000 kokus have already received the same invitation.

Copy of Statement of Facts occurring at Miako (April 1858).

The Mikado wished to have an interview on the 22nd day of the 2nd month 5th year of Anchei (April 1858) in his Palace with his Kwanbakou-dono (First Minister), his Taikodono, his Tenso and his Giso, to deliberate with them as to the answer he should give to the Tycoon on the subject of the Treaty required by Mr. Harris. On this day the Taiko was unwell, but as the Mikado sent several times to command his attendance he was obliged to come. At the Conference the Taiko expressed an opinion different to the others, which was in favour of the policy advocated by the Tycoon. The Mikado was very angry, and it was with difficulty that Kwanbakou succeeded in calming him.

On the 23rd a document bearing the refusal of the Mikado to the conclusion of the Treaty was written out. Then two Tenso and one Giso went to the residence of the Member of the Gorogio (Hotta Bittjou no Kami, Tycoon's First Minister of Foreign Affairs, Envoy to Miako to obtain the Mikado's consent to the American

Treaty), and informed him of the document hereunder. The messengers sent by the Mikado were afflicted and shed tears because they did not succeed.

Note.—In the original of this document there is a considerable erasure of words, which are said to signify that Bittjou no Kami had declined to accept the refusal of the Mikado. He seems to have been awkwardly situated on the horns of a dilemma; the refusal of the Mikado, if conveyed to the Tycoon, would have been irrevocable, and the Treaties could not have been concluded, which was already pledged, whilst the refusal by the messenger to accept the reply was apparently but of little moment in the position of puppetism in which the Mikado appears to have been at this period. But the unfortunate messengers to this envoy appear to have been the scape-goats, and they were afflicted and shed tears because of the refractory answer they had to carry back to their master.

Copy of a Document brought by two Tensos and one Giso, the 23rd day of the 2nd month, to Hotta Bittjou no Kami.

The Mikado to the Tycoon.

It is difficult for us to grant to you the approval you ask (to the Treaties); for the honour of the name of the first Mikado it is impossible to agree. It is our duty to take care to tranquillize the minds of our people.

The Tycoon should gather every one's opinion, from the three great Houses to the humblest subject, and give me the result of these in writing.

If it is necessary to go into the negotiations and conclude these Treaties, exceptions must be made of the country in the neighbourhood of my Imperial city, as we have already directed in our letter of the 24th of the 12th month. Hiogo, in Sitzou, must be excepted if possible.

The Mikado often considers that he is not safe in his palace at Miako, and he desires the Tycoon to appoint some powerful Daimios to protect the Imperial palace.

You have thought it well to open the ports to foreigners, but you did not think that foreigners would entangle you with difficulties. We would know your opinion in this respect.

Copy of the Document sent to the Mikado by the Konges, the 7th day of the 3rd month.

At this moment there are great changes in our holy country in respect to foreigners. However, it is not for us, ignorant people as we regard ourselves, to judge of it, and for that reason we lately wrote twice to the Mikado. We hoped that he would consider the subject, but we shall not rest still till we have received his answer to our letters. We write to him once more. Since the time of Tenso-o-dai-sin-gou (the first Mikado), the country has been to the present time a flourishing and sublime country; but friendship with the foreigners will be a stain upon it, and an insult to the first Mikado. This is very sad. If misfortunes strike us now and so frequently, they arise from the want of respect due to the divinity of the Mikado. It will be an everlasting shame for the country to be afraid of the foreigners, and so giving occasion that hereafter we must bear patiently their arbitrary and rough manner, and the time will come when we shall be subservient to them. It is very wrong to treat a country that has been so long sacred as they would treat a village of fishermen. It is a guilty affair on the part of Suki (the dynasty of the present Tycoon). It is reported that he (the Tycoon) has sent to consult the Mikado about the Treaties, but it is impossible to believe it. The Tycoon's messenger will not take any steps, and Bittjou no Kami will return to Yeddo, saying that the Mikado has consented to give him a secret authorization, and he will thus induce the other Daimios to follow the party of the Tycoon. We do not know that the Mikado has given a secret authority. The Tycoon thus disturbs peace. We are distracted that the people are misled by a single Ambassador. If foreigners come to our country they will loudly proclaim the mutual benefits that trade will produce, but at home they will think only of a vile profit, and when we shall refuse to comply with all their wishes, they will threaten us with their artillery and men-of-war. Foreigners intend to take Japan, and to effect this they will resort to any kind of deep scheme in their negotiations. If we permit foreigners to establish themselves here or there, they will gain the minds of the people by their artful words, and the people will gradually be drawn into their customs. So soon as foreigners know well the geography of our country, they will erect fortifications upon the principal spots, and then they will ask of us impossible things, and if we refuse them they will commence war and despoil the Empire. Then how shall we defend ourselves?

And if they do not make war upon us, the position will still be the same. They will become more and more exacting; they will behave themselves as our masters, and we shall become as their servants. What an affliction for those who are born in our lovely country! We desire to know the opinion of the officers of the Daimios who hold the highest positions. If the misfortunes of which we have spoken come, where shall we place the Mikado in safety? Where shall be protected those who have assisted the Treaties, from the Tycoon to the lowest officer?

It is to be wished that the Mikado answers the Tycoon, that all may know the opinion of the Princes of Cuanto (the provinces about Yeddo). We write this for the good of the country, and with fear and respect.

(This is signed by the following Kondgees, or Ministers of the Spiritual Court.)

MAKAYAMA DAINAGON TADAJOSI.

MASATIS KAMATSI SANDZIO TSIUNAGON [SANEKOTO].

MASATIS KAMATSI TSIUNAGON SANEMI.

HATSIDZIO SISIO TAKASKE.

TSIUN SISIO TSIUSIO MITSITOMI.

HASIMOTO SISIO TSIUSIO SANURA.

NOMIA SISIO TSIUSIO SADAKOTO.

Another Document.

The high dignitaries have written as well as the others, but we shall not give here the contents of their letter. What hindrance to this fine country foreigners are to be! The above document has on view the good of the Empire. It would be evil to depart from the orders—as they are from the divine source—of the Mikado; for upon them depends the happiness of human beings. Now it will be difficult to live in peace, and the Mikado is much afflicted by it. Last year great events took place, that is to say, the opening of the port of Simoda—a very important matter; but it is the opinion of every one that the conclusion of the Treaty is a shame for the Empire. We cannot foresee what other misfortunes may come of it. It is earnestly wished that the Mikado orders that the Daimios, from the Gosankay to the lowest, give their vote upon the subject.

The Kwambakow to Bittjou no Kami.

As the answer your request takes a long time to come, you had better go to Yeddo to deliver it to the Tycoon.

The order has been given to Bitjou no Kami to return to Yeddo.

The Tenso, in the presence of Kwambakou-dono, of three Daidjin, the Gisos and Tensos of the Imperial Palace, had communicated that order to Bittjou no Kami.

The 3rd of the 4th month, Hotta Bittjou no Kami was called to attend immediately at the Imperial Palace, and he was instructed immediately after his return to go to Yeddo, which he did.

End of the 4th month of the 5th year Anchei (June 1858).

Inclosure 2 in No. 34.

Consul Myburgh to Sir R. Alcock.

Sir,

Nagasaki, March 26, 1864.

IT has been reported to me that considerable embarrassment and loss is being caused to the native merchants, and through these not being able to fulfil their contracts to British merchants by the blockade of the Straits of Shimonasaki by the Daimio Choshu. All the produce from Osaka and from the southern portion of Nipon generally, as well as from the northern shores of Kiusiu destined for this port, is conveyed principally in junks which have to pass through these Straits. And as Choshu has the entire command of the Channel, he actually controls the traffic between the inland sea and the Nagasaki, and, if we may credit the reports, has now put a stop to it altogether. It is stated that a few days ago a junk laden with cotton was boarded in the Straits, and set on fire by some of Choshu's followers. Several other junks laden with similar cargoes approaching the passage and seeing the vessel on fire, wisely turned back and made their way as speedily as possible to Osaka, whence they had started. They there again discharged their cargoes, and, it is said, nothing will induce either the owners of the junks or the traders to run the risk of getting their property destroyed by attempting in any way the passage of the Straits.

There can be no doubt that the free and unimpeded navigation of the Straits is of the greatest importance to the trade of this port, and that if Choshu be permitted to continue the arbitrary control of it, the result will be most damaging to the commercial interests at stake here. Foreigners and Japanese alike are delighted that there is a prospect of the passage being forcibly opened, if compelled to, by foreign men-of-war; and I may mention that in view of the probability of such a contingency, the agent of the Daimio Satsuma at Nagasaki is stated to have sent to Kagosima for about fifty more followers for the better protection of that Daimio's yasky and other property belonging to him here, as it is anticipated that should Choshu be defeated in any conflict that may ensue, his ronins will certainly visit Nagasaki, and in revenge will attempt the destruction of the lives and property of his enemies, foreign as well as natives, among which latter Satsuma and his belongings are included.

Recently one or two suspicious-looking ruffians have been encountered in the streets of Nagasaki and in the Settlement, and their conduct remarked to be exceedingly menacing to several foreigners, evinced by their blocking up the road and placing their hands on the hilts of their swords; and they appear only to have been restrained from displaying open violence by the foreigners making a timely demonstration of their revolvers, without which it is absolutely unsafe to go abroad either by day or night. From this it will be gathered that the tendency of a certain class, instead of becoming more pacific, daily increases in hostility. Taking this in conjunction with the total want of that protection which the Japanese authorities ought to afford, and their complete failure in bringing criminals to punishment, it cannot be said that the prospect before us is brighter or more cheering than it was. How long this is to be permitted to continue comes to be a question for anxious consideration.

I have, &c.
(Signed) F. G. MYBURGH.

Inclosure 3 in No. 34.

Consul Myburgh to Sir R. Alcock.

(Extract.)

Nagasaki, May 1, 1864.

THE trade of that year (1863) will, I expect, be found to be considerably less than that of the previous one, as the commerce of the port was almost completely suspended for a time by the political troubles which existed in the country during the greater part of the year, and also by the closing of the Straits of Shimonasaki by the Daimio Choshu. This last cause still remains in operation, and is having a ruinous effect upon the trade of Nagasaki especially. But to this I have already adverted in a separate despatch.

Inclosure 4 in No. 34.

Circular addressed to all Japanese Merchants trading with Foreigners, by Arima Totomi no Kami, Member of the Gorogio.

(Translation.)

October 10, 1864.

WHEREAS since the opening of the port of Kanagawa our merchants have carried on trade with foreigners, regardless of the future of Japan, and have consequently caused a scarcity of the various articles of daily consumption, we hereby, in order to remedy this evil, call into force the Order of 1860,* wherein it was determined that silk, or any other of the five articles of daily consumption, shall not be brought directly from the different provinces or towns of Japan to Yokohama and sold there to foreigners.†

It has also come to our notice that notwithstanding the silk produce of this season has not been plentiful, many persons having only their private gain in view, and indifferent to the calamities which such a course of action must bring upon the whole of Japan, have sent large quantities of merchandise to Yeddo to be sold to foreigners.

As a necessary result of such a course, articles of daily use must become more and more scarce, and the prices continue to rise. All merchants, not only those of Yeddo, but of the whole Empire, are therefore warned to contemplate the state of things above described, and act accordingly for the benefit of the country at large.

The above shall be circulated on the estates of the Tycoon, Daimios, Hattamotos, and Temples.

* The Order of 1860 is to the effect that the merchandise must first be brought to Yeddo, to be there examined and approved for sale before it can enter Yokohama.

† See Article XIV of Treaty.

No. 35.

Sir R. Alcock to Earl Russell.—(Received July 13.)

My Lord,

Yokohama, May 14, 1864.

I HAVE thought it prudent to send for the remainder of the 20th Regiment, now at Hong Kong, in view of the present aspect of affairs and future contingencies.

I deem it essential, in the event of any operations on the Suonada Sea, that the Admiral should be able to dispose of the battalion of Marines without any care or anxiety as to defence of Yokohama. This could only be secured by the removal of the whole regiment to Japan. The want of barracks at Hong Kong, and the unhealthiness of that locality in summer to troops only put up in huts, made it desirable that they should be otherwise cared for, and I have had the less hesitation, therefore, in taking this step.

I have succeeded in efforts made to induce the Japanese Government to afford barrack accommodation for the whole of the troops now ordered here, including the battalion of Marines. The removal of the 20th therefore, apart from the mere expense of transport, will rather be a saving to the public, since they cannot only be housed, but rationed, with less cost here than at Hong Kong or Shanghai.

I have, &c.
(Signed) RUTHERFORD ALCOCK.

No. 36.

*Earl Russell to Lord Lyons.**

My Lord,

Foreign Office, July 16, 1864.

I INCLOSE, for your information, copies of despatches received from Sir R. Alcock respecting the state of affairs in Japan.†

I am, &c.
(Signed) RUSSELL.

No. 37.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, July 20, 1864.

I HAVE to authorize your Excellency to communicate to M. Drouyn de Lhuys the copies of Sir R. Alcock's despatches which I sent to you in my despatch of the 16th instant.

I inclose herewith also, for communication to M. Drouyn de Lhuys, a draft of a despatch which I propose to address to Sir R. Alcock in reply.‡

I am, &c.
(Signed) RUSSELL.

No. 38.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, July 23, 1864.

I HAVE already authorized your Excellency to communicate to M. Drouyn de Lhuys the copies of Sir R. Alcock's despatches, and of the answer to be returned to them; and I have now to instruct your Excellency, with reference to that communication, to express the hope of Her Majesty's Government that such a concert may be established between the several Powers interested as will tend to the future security and beneficial trade of Europeans and citizens of the United States in Japan.

I am, &c.
(Signed) RUSSELL.

* Similar despatches were addressed to Earl Cowley and Sir J. Milbanke.
† See No. 40.

‡ Nos 33, 34, and

*Earl Russell to Lord Lyons.**

Foreign Office, July 26, 1864.

My Lord,

I TRANSMITTED to you, in my despatch of the 16th instant, copies of despatches recently received from Her Majesty's Minister in Japan, and I now inclose a copy of the instructions which will be sent to him, in reply, by the mail of this day.†

I have to instruct your Lordship to communicate to the Secretary of State for Foreign Affairs these several papers, and to express the hope of Her Majesty's Government that such a concert may be established between the several Powers interested as will tend to the future security and beneficial trade of Europeans and citizens of the United States in Japan.

I am, &c.

(Signed) RUSSELL.

Earl Russell to Sir R. Alcock.

Foreign Office, July 26, 1864.

Sir,

I HAVE received your despatches of the 1st, 6th, and 14th May.

The state of affairs may be thus summed up:

The Mikado and the Daimios hostile to foreigners and their trade imposed on the Tycoon, last autumn, an order directing foreigners to leave Japan.

In delivering this Order to the foreigners, the Gorogio let it be understood that it was not to be executed; and on the Tycoon's return to Yeddo it was formally withdrawn.

The reason or the pretence, however, given by the Tycoon for this forbearance is not that foreign trade is beneficial to Japan, or that good faith requires the observance of Treaties; it is no more than this—that the Japanese Government and the Daimios are not at present strong enough to enforce the ancient law of the Empire, which justifies the use of hostilities to drive away foreigners and to prevent foreign intercourse.

Time is required, it is said, in order to prepare means both of aggression and of defence.

There is no doubt that, as you contend, the certain knowledge of this intention, which has lately, it appears, been solemnly confirmed at Kioto by the Mikado and the majority of powerful Daimios, would justify the Treaty Powers in defending, by force if necessary, the rights they have acquired by their Treaties.

It is also true that the continued maintenance of a considerable squadron in the waters of Japan for the protection of British subjects against an expected danger, is to Great Britain a considerable burden.

But in opposition to these considerations, it may be observed—

That while a prosperous trade is carried on, and there is a party among powerful men, as well as a great mass of natives, who are favourable to the growth of an intercourse with foreigners by which they profit, it seems unwise to abandon the hope of the ultimate prevalence of enlightened views, to snap asunder the chain of friendly relations, and to make war for the sake of forestalling war.

Nor is it easy to perceive how such a war would enable Great Britain to reduce her present expenses.

The invasion of the interior would of itself be a most costly undertaking, and the enforcement of a new Treaty by the establishment of forts and garrisons in Japan would entail a very large permanent burden.

There is another course of policy which appears preferable, either to precipitating hostilities, or to the abandonment of the rights we have acquired by our Treaties.

This policy consists in—

1. Giving every encouragement and support to such of the Tycoon's Ministers and to such of the Daimios as are favourable to foreign trade, and thus to lead to the ultimate weakening of the feudal system, and of the protectionist theory of Japan.

2. To make arrangements with the Japanese Government for the protection of the foreign settlement at Yokohama.

3. To keep for the present a strong squadron in the Japanese seas.

* A similar despatch was addressed to Sir J. Milbanke.

† No. 40.

4. To endeavour to establish an understanding with the Governments of France, the Netherlands, and the United States, with a view to our common interests in Japan.

I shall communicate these views of Her Majesty's Government at Paris, the Hague, and Washington, with a hope that such a concert may be established as will tend to the future security and beneficial trade of Europeans and of citizens of the United States with Japan.

No. 41.

Earl Russell to Sir R. Alcock.

Sir,

Foreign Office, July 26, 1864.

I HAVE to state to you, with reference to the despatches which I have lately received from you, that Her Majesty's Government positively enjoin you not to undertake any military operations whatever in the interior of Japan; and they would indeed regret the adoption of any measures of hostility against the Japanese Government or Princes, even though limited to naval operations, unless absolutely required by self-defence. The action of the naval and military forces of Her Majesty in Japan should be limited to the defence and protection of Her Majesty's subjects resident in Japan, and of their property, and to the maintenance of our Treaty rights.

It may be hoped that the power vested in you by Her Majesty's Order in Council* of the 7th of January last, to prohibit or regulate, or restrict, the entrance or passage of British ships into straits or waters of Japan, when such entrance or passage may lead to acts of disturbance or acts of violence, or may otherwise endanger the maintenance of peaceful relations or intercourse between Her Majesty's subjects and the subjects of the Tycoon of Japan, will enable you to prevent the occurrence of the necessity for any such measures of hostility to obtain redress for injuries done to British vessels.

I am, &c.

(Signed) RUSSELL.

No. 42.

Earl Russell to Lord Lyons.†

My Lord,

Foreign Office, July 26, 1864.

I TRANSMIT to you herewith a copy of a despatch which I have addressed to Her Majesty's Minister in Japan,‡ prohibiting him from undertaking any military operations in the interior of Japan, and referring him to the power vested in him by the Order in Council of the 7th of January last, of which a copy is also inclosed, to prohibit or restrict British vessels from entering into or passing through straits or waters in which they may be exposed to acts of violence that might lead to measures of retaliation on the part of the British naval forces.

You will communicate copies of these papers to the Government to which you are accredited.

I am, &c.

(Signed) RUSSELL.

No. 43.

Sir R. Alcock to Earl Russell.—(Received August 2.)

(Extract.)

Yokohama, May 21, 1864.

TAKEMOTO KAI NO KAMI, an officer high in the confidence of the Tycoon's Government, was recently sent down from Yeddo to communicate with me on the part of the Gorogio.

The object of his mission was to deprecate any interference on the part of the foreign Representatives in the affair of Prince Choshu, and the closure of the Inland Sea. And in furtherance of this object he was directed to afford me certain information respecting the proceedings of the Tycoon at Kioto during the past twelve months, and the satisfactory result at last attained, after innumerable difficulties. In consequence, he informed me,

* See No. 5. † Similar despatches were addressed to Earl Cowley and Sir J. Milne. ‡ No. 41.

a resolution to call the Prince to account for his outrages on foreign flags, and acts of rebellion against the Tycoon, had been taken, and several powerful Daimios were to co-operate with the Tycoon to that end.

A similar mission had, I found, been sent to Nagasaki to the Consul-General of the Netherlands.

This information, which Takemoto was charged to convey to me, unfortunately accorded very ill with a great deal previously received from other and at least as reliable sources.

The Prince of Choshu, in active rebellion to the Tycoon, if not to the Mikado, when called before the Council, is said to have boldly defied them both, declaring that he alone had obeyed the orders of the Mikado, and in any case deserved the gratitude of his country, for, singly and unaided, executing its time-honoured laws for the extermination of foreigners. Such orders, we have every reason to believe, were given; and as to the laws, their existence is beyond all doubt. Two other powerful Princes, Mito and Inaba, are described as upholding him in this defiant attitude. Another, commanding the Tycoon's garrison at Kioto, was said to have performed the "harakiri;" but I have since heard, as to the manner of his death, that he was slain in the streets by some of Satsuma's lancers as he left his house: while a fifth, Echizen, was denounced as a traitor to his country, and had demanded leave to withdraw from the Council, apparently to provide for his own safety.

The latest of these reports, sent by a correspondent from Yeddo, represents the final triumph of the more violent members of the Council hostile to foreigners, and the despatch of a messenger to Yeddo from the Mikado, with another Decree for our expulsion.

The whole Budget closes with rumours of designs against this settlement, and the announcement of a state of excitement at Yeddo similar to that which prevailed about the same time last year, in consequence of such news having transpired. If it be true that the more liberal and pacific party in the Council has been overthrown, and men like Choshu and Mito are in the ascendant, one can only say that it bodes very ill for the maintenance of peaceable relations; and it is much to be desired that the triumph should be of short duration.

The reality of such ascendancy, it is clear, would account much more naturally for the step now taken by the Government of the Tycoon, than the reasons alleged for it, namely, the removal of all obstacles in the Great Council to the employment of force for the punishment of the rebellious Daimio, the resolution to commence operations, and the all-sufficiency of the means at the Tycoon's disposal.

The inclosed extract of a letter from Yeddo, dated the 14th instant, points to a much more probable motive—the condition imposed on the Tycoon of the previous expulsion of foreigners before any steps against Choshu can be sanctioned or taken. Singularly enough, Satsuma seems to be an object of animosity now, for his supposed defection from the anti-foreign party, since the lesson he had at Kagosima, and his punishment, is made a further condition of any minatory proceedings against Choshu.

The renewed urgency of the Gorogio for our withdrawal from this port, of which I shall have to speak presently, is hardly consistent with the information they give of the Tycoon's assured position at Kioto, but perfectly harmonizes with these private reports.

This sudden display of vigour, and determination to punish the recalcitrant Prince after ten months of apparent unconcern is, to say the least, suspicious. I am perfectly satisfied, and all my colleagues agree with me, that the Tycoon has no intention of doing anything against Choshu of a military and hostile character. Nor has he the means at his disposal for any effective operations at such a distance. But it was necessary to give some plausible reason for stopping any action on the part of foreign Powers, the British and Dutch more especially, as evidently collecting forces; and the announcement of immediate operations on the part of the Tycoon, was the most likely to avail them, for a time at least, to paralyze the foreign Powers, and reduce their forces on the spot to a state of inaction, until those bent on the expulsion of foreigners are ready to carry out their preconcerted measures, or the Tycoon may have improved his own position: one or both is in all probability the immediate object of this movement. The desire of the Tycoon (either under the dictation of the hostile party, or from fear of consequences to himself if the Prince should be attacked by the foreign Powers and signally worsted), to arrest all action is in this view perfectly intelligible. And indeed, any explanation that can be offered, based upon the facts actually known, is likely to be nearer the truth than the best which the Tycoon's advisers will give.

Takemoto returned a second time, some days later, ostensibly to arrange with me for the accommodation of the Marines and the 20th Regiment; the expected arrival of both regiments having been communicated to the Gorogio, with a demand for accommodation, on the ground that the perpetual menace of danger, and efforts for the expulsion of

foreigners, for which the Tycoon's Government was in effect responsible, had compelled Her Majesty's Government to incur the trouble and expense of sending out these troops as a precautionary measure; not to make war, but, if possible, to prevent acts which would lead to war. It was but right and fitting therefore, in the interests of peace, that the Tycoon should give the necessary facilities for lodging them, whilst this unsettled state of affairs rendered their presence necessary for the security of life and property, so incessantly threatened by those whom the Japanese Government professed to be unable to keep under perfect control.

The principle having been admitted, the rest was a matter of detail, and Takemoto returned again to the original object of his mission, reiterating all the arguments for the absolute passiveness of this or any other force, until the Tycoon had performed his duty to the foreign Powers by the punishment of Choshu. Any interference on our part, even in aid, the Gorogio represented would be exceeding injurious, by rousing a feeling of sympathy with the Daimio assailed, and of animosity towards both the Tycoon and foreigners. Finally, he had to say to me that if, contrary to their expectations, the Tycoon should fail, and find Choshu too strong, he would then no longer hesitate to apply to the foreign Powers for aid.

During these interviews I took the opportunity of representing in the strongest manner my conviction of the danger which must attend a longer perseverance in a dubious policy towards foreigners. I begged him to represent to the Gorogio on my behalf the inevitable peril of any forcible attempt to secure our withdrawal from Yokohama, and the certainty of the Treaty Powers with one voice, refusing to accede to the proposition the Mission now in Europe was charged to make.

Satisfied, however, that the Tycoon's Government stood committed at the present time to measures for the expulsion of foreigners, I determined to make another effort in the interest of peace to arrest the Gorogio, if possible, in their perilous course. I lost no time, therefore, in arranging a personal interview with the Members of the Gorogio now in Yeddo, and on the 16th I proceeded there, and met three of these at the house of one of the number.

I have not made any detailed minute of all that passed on this occasion, believing it possible in much shorter space to give your Lordship a very accurate summary of the results.

The language employed, and the demeanour of the several Ministers, went far to convince me that my impression was perfectly correct. They gave me the idea of men who had definitely accepted the situation made for them by a party too strong for resistance; not as ignorant of the danger menacing them from without, but deliberately preferring this as the lesser or more tolerable of two evils, from both of which there was no possible escape. All that remains for them now, therefore, is to cast about for the best means of carrying out the policy of exclusion. On the right choice of time as well as means I believe they feel much depends. They are not usually prompt either in design or execution; on the contrary, they like to have ample time for the evolution of their ideas, the maturing of their plans, and for tentative efforts in divers directions before they commit themselves to the final and decisive plunge from which there is no retreat. I left them with a firm conviction that their minds were made up; that they felt they must stand or fall by the expulsion of foreigners, and the only question was one of time and opportunity.

The Government of the Tycoon may be only trying to impose upon us by the assumption of a fixed determination to effect our expulsion *coûte qui coûte*, as the sole mode of securing the tranquillity and the peace of the country, all the time that he is prepared to yield if this does not succeed. They may be willing to have their hands forced by the action of the foreign Powers, and find their defence among the Daimios in their manifest incapability of effective resistance to the forces set in motion against them. These things are possible, and I cannot undertake to assure your Lordship that such suppositions are wholly without foundation. Fortunately, in either case, the course plainly indicated, if foreign Powers would not be driven out of the country, is the same—the assertion of a fixed determination not to be driven out, and to maintain the rights secured under Treaties by force if all other means fail. Whether the Japanese rulers, Mikado, Tycoon, and Daimios, are in earnest at this moment, or are merely playing for a certain stake, to win or lose, according to the strength they see put forth, and prepared for either issue, the policy of the Treaty Powers would still, I conceive, be one of unwavering firmness and decision.

The attitude of the Government and Daimios is not only menacing, but pregnant with danger at any moment when it may suit their purpose to throw off the flimsy mask of amity, not calculated to conceal enmity, but only to deprive us of technical grounds for

action. Manifest preparations for putting an end to existing Treaties by compulsion can hardly be allowed to attain completion, without any step on the part of foreign Powers to stay their progress, and prevent the consummation so openly contemplated.

As to the right by international law of an independent nation to put an end to Treaties whenever they please, or find them injurious, as an English paper which has found its way here contends, that is a question for the Treaty Powers to determine. As also is the further question whether they will consent to the partial nullification of existing Treaties, and accept the profitless and humiliating position offered them by a Tycoon, who first induces them to defer the opening of Yeddo and Osaka, with two additional ports to trade, on the assurance that no other concessions would be required; then allows the Diplomatic Representatives to be driven out of the capital by incendiary fires at the Legations and assassinations; and now on the same plea proposes that Yokohama should be abandoned, and all foreigners with their trade shut up at Nagasaki and Hakodadi under the guns of hostile Daimios.

The Treaty Powers are plainly reduced to one of three alternatives:—To accept this position; withdraw altogether from Japan, and allow them to revert to their old state of semi-barbarous seclusion; or maintain Treaty rights in their integrity with effective forces. But of the first two, I think it cannot be doubted the second, withdrawal, would be by far the most preferable, less open to objection, and infinitely less derogatory to Western Powers. In the event of Her Majesty's Government rejecting both, there can be no question, I conceive, as to the necessity of our being prepared to maintain, by a display of force, any Treaty rights we may wish to preserve.

In the meantime, pending the receipt of specific instructions, the Representatives of foreign Powers on the spot have also to decide between one of two courses. They must either consent to wait passively the course of events, until acts of violence or treachery for the expulsion of foreigners from Yokohama are in full operation, or anticipate attack, and, if possible, avert it, by striking a blow at Choshu's batteries, closing the Inland Sea to commerce, which may cause the hostile Daimios, as a body, to pause and recoil before the immediate consequences to themselves of a conflict with one or more of the Treaty Powers. My interview with the Gorogio was satisfactory in one sense. It removed the last lingering doubt in my mind as to the possibility of changing the tactics of the Tycoon in his dealings with foreigners, by any effort to induce them to count the cost, and open their eyes to the probable results of a war, with any of the great maritime Powers of the West. And the result of a still more recent conference of the newly-arrived French Minister, M. Léon Roches, with the Gorogio, strongly confirms this view. For, notwithstanding he had to declare that his instructions directed him firmly to maintain all Treaty rights, with some reference to the power of France to make her rights respected, they immediately proceeded to dilate on the absolute necessity of foreigners retiring from Yokohama, as though there were no question at all of Treaties or of rights.

This only further bears out the opinion I submitted in my despatch of the 6th instant that no middle term of concession or compromise on our part, and no proposals for the modification of existing Treaties, in any sense compatible with the maintenance of our trade and position at Yokohama, could avail in the least degree to avert the coming conflict. Amity and trade on any extended scale the Gorogio have plainly declared to be incompatible; they have long been agitating to make them so, and have now made up their minds, whatever the cost, to free themselves from Treaty obligations. Nothing less, apparently, in their present mood, and until better advised by events, will be accepted as satisfactory or final. They will listen to no half measures or paltry compromises; first, because, in their overweening conceit and habitual arrogance, they believe themselves strong enough to resist all external force and entirely close their ports, and, secondly, because they believe the Treaty is a tree bearing only evil fruit. They will have no mere trimming of branches therefore, and are resolved to lay the axe to its roots. It is idle, under these circumstances, to strive any longer by diplomatic processes for objects obviously from the commencement not to be attained by such means. Diplomacy would seem to have arrived at the end of its resources in Japan in the present attitude of its rulers. In this state of affairs I have sought to arrive at a common understanding with the Representatives of France, the United States, and Holland, in order to ensure united action under any contingencies, and I am happy to report this result seems at present to be perfectly attained. A collective note is under consideration in which the four Representatives shall place on record their unanimous opinion of the actual situation, with a view subsequently to a communication being made conjointly to the Government of the Tycoon, informing them of this perfect accord, and calling upon the Gorogio seriously to consider the responsibilities the Tycoon will incur if the continued and persistent agitation for the expulsion of foreigners should lead to any attack on the persons or property of foreign

residents. In the meantime such precautions are being quietly taken, as existing means will allow, for the protection of the Settlement, without any outward demonstration of serious anxiety or alarm.

Inclosure in No. 43.

Extract of a Letter from Yeddo.

May 14, 1864.

IN regard to the military movements against Nagato there are many reports in circulation.

The Prince of Aisoo is for the punishment of Satsuma for having suddenly deserted the side of Nagato and turned in favour of the foreigners. He maintains that Nagato can only be punished after Satsuma has been punished for his treachery. The Daimios of Insu and Bizen presented a petition to the Tycoon, and stated that the firing upon foreign ships was in consequence of the mandate of the Mikado, and that if Nagato should be punished for firing upon foreigners it would be contrary to the Mikado's mandate. Nagato could only be punished for murdering the Tycoon's Envoys, but that in any case the closing of the ports must first take place before Nagato could be punished; at the same time they request the expulsion of foreigners should take place at once.

The vassal Daimio of Nagato called Mori Sakionoske was proceeding to Osaka, and has orders from his master the Prince of Nagato to enforce his visit to the Mikado. But guards, which have been placed between Kioto and Osaka, have received orders from the Tycoon to prevent this Daimio from passing, and has also received instructions to use force of arms if this Daimio should proceed to enforce his passage. Mori Sakionoske, upon hearing this, has suddenly sent in his excuses for not going, but Kikawa Kenmotsi, the First Minister of Nagato, is proceeding in his place.

He is instructed to use every means to induce or force the Mikado in favour of Nagato.

No. 44.

Sir R. Alcock to Earl Russell.—(Received August 2.)

My Lord,

Yokohama, May 25, 1864.

I STATED in my last despatch that a formal document was in preparation to put on record the unanimity of opinion existing between my colleagues and myself in respect to the several acts of the Japanese Government and the communications made by them to the foreign Representatives. I have now the honour to forward a copy of the draft finally agreed upon to-day, and initialled preparatory to a more formal execution.

I also forward a copy of a *note identique* also agreed upon, and which will be sent to the Ministers of Foreign Affairs by each Representative separately as soon as the Japanese version can be prepared.

I believe we have now done all that can reasonably be put in practice under existing circumstances, to clear the ground for more effective action when required,—perhaps to deter the Japanese Government from proceeding further in their policy, at once obstructive and aggressive; and if not, to give such a clear summary of our actual position, as to supply full justification for any more vigorous measures which may hereafter be found necessary.

The best-informed Representative of a foreign Power in Japan can only form his judgment on imperfect and often contradictory data. The difficulties and embarrassments arising from the absence of all the ordinary channels of information open to the foreign Ministers in every other country, and the limited means of communication with the people, constitute serious evils. They render all diplomatic relations uncertain, both in their conduct and issue; and are more especially to be deplored where the differences of race, language, and institutions are such that a mistake may bring unutterable calamities in its train. All this might be remedied if only the Government of the Tycoon could be induced to believe in the duty and policy of manifesting some confidence in the value of truth, and a little more frankness and good faith in its dealings with foreign Representatives.

I have not the presumption to believe that, as a stranger, I can be better informed than the rulers of the country, or better capable of judging not only what is desirable but what may be possible in the present troubled state of the Empire. However deeply I have

studied and inquired into the system of their government, and the mutual relations subsisting between the different classes, I am quite conscious that there are great political and social problems involved of singular complexity, on which it would ill become any foreigner to pronounce a final decision, or even to speak with much confidence. Knowledge of other nations, and some especial opportunities for judging fairly the progress of events here, may entitle a foreign Representative to speak with some weight as to what is desirable in the interest of other countries; and especially on what cannot, and will not under any circumstances, be accepted by these as a solution of existing difficulties. But this goes a very little way towards clearing the road for a better understanding with the class which actually governs in Japan, controlling both the executive and the people. The nation has no voice in the matter; unfortunately, it may be said,—for if they were better represented, there is every reason to conclude it would be peace, not war, they would elect. It would be trade and friendly intercourse with all races who desired no other relations; and a rapid assimilation of European ideas and civilization would quietly follow. The political and social development of the middle and lower classes, and their participation in the government of the country would necessarily follow. The immediate issue, however, depends not on them, but on a body scarcely numbering 600,—Daimios, who also foresee this march of events in the natural order of things; and hence their implacable hostility, and their hot impatience to eject us from the country. They are but so many feudal Chiefs, it is true, but they govern in reality, and at this moment under the authority of the Mikado: although he is shut up in his palace, bearing only a phantom sceptre, and a prisoner in effect, prestige and sanctity attach to his name; and whether the authority be real or assumed, it gives those who invoke it a legal power. These Daimios wield, moreover, a material power in the swords of their feudal retainers; motley contingents it is true, not easily mustered in large bodies I fancy; only partially disciplined, and very imperfectly trained to the use of firearms, whether cannon or musketry. Yet, reckless of danger, and willing to fight for their Chiefs and their own privileges as a favoured class, by virtue of which they lord it over all the rest of the nation. This is the enemy we have to cope with, since experience has shown that to conciliate him is impossible, and we must either accept the gage he throws down or retire from the conflict. Having shut us up to this issue, it only remains for the Treaty Powers, in last resort, to decide which alternative they will accept.

I have, &c.
(Signed) RUTHERFORD ALCOCK.

Inclosure 1 in No. 44.

Draft of Protocol.

LES Soussignés, Représentants de la Grande Bretagne, de la France, des Etats-Unis, et des Pays-Bas, justement préoccupés de la gravité croissante de l'état actuel des choses au Japon, ont cru devoir se réunir à l'effet de se livrer, de concert, à l'examen de la situation et de combiner, dans une entente commune, les moyens d'en prévenir l'aggravation.

Trois points s'offraient d'abord à l'examen des Soussignés :—

En premier lieu, le silence gardé par le Gouvernement du Taïcoun à l'égard de la déclaration collective à lui transmise officiellement en Juillet dernier* par les Représentants de la Grande Bretagne, de la France, des Etats-Unis, et des Pays-Bas, au sujet des actes hostiles commis par le Daimio de Tchouchou, dans le Détroit de Simonoséki;

En second lieu, les communications qui ont été faites successivement aux Représentants soussignés par les membres du Gorogio, relativement à la fermeture du port de Yokohama.

Et, en troisième lieu, les mesures collectives qu'il est nécessaire de prendre pour sauvegarder les droits garantis par les Traités, assurer la sécurité de leurs nationaux et arrêter le Gouvernement du Taïcoun dans la voie de réaction flagrante où il est entré.

Les Soussignés ayant murement examiné ces divers points ont résumé ainsi leur opinion.

Quant au premier point :—

Considérant que les Représentants des Puissances susmentionnées sont tombés d'accord le 25 Juillet, 1863, dans une Conférence spéciale, sur la nécessité de mettre le Gouvernement Japonais en demeure de faire cesser et réprimer les actes de violence du Prince de Nagato, actes qui ont interrompu et interrompent encore la navigation commerciale à travers le Détroit de Simonoséki, dominé dans toute sa longueur par les canons de

* See "Correspondence respecting Affairs in Japan," presented 1864. Inclosure 3 in No. 61.

ce vassal audacieux ; que le résultat de cette Conférence a été communiqué officiellement au Gouvernement du Taïcoun, au mois de Juillet dernier, par les dits Représentants dans le but de prouver à ce Gouvernement que les Puissances étrangères voulaient lui laisser préalablement le soin de mettre, lui-même et sans aucune intervention étrangère, un terme à des agressions aussi contraires aux Traités qu'au droit commun des nations civilisées ; que, nonobstant cette communication, qui date déjà de plus de dix mois, aucune mesure sérieuse ne paraît avoir été prise par le Gouvernement Japonais sur cette importante matière, et que, dès-lors, il est à craindre que l'impunité acquise aux actes du Prince de Nagato ne devienne, si cet état de chose se prolonge, un exemple dangereux pour les autres Daïmios, et ne précipite, au grand détriment et au grand danger de tous les résidents au Japon, le projet avéré qu'ils proclament d'expulser violemment les étrangers ;

Il a été résolu, —

Qu'il y avait lieu, dans l'intérêt bien entendu de la paix, de rappeler au Gouvernement du Taïcoun la déclaration collective transmise au mois de Juillet dernier par les Représentants des quatre Puissances susmentionnées, et de faire un nouvel effort auprès de ce Gouvernement pour l'amener à lever les obstacles qui s'opposent à la navigation dans la Mer Intérieure et à mettre également fin aux actes d'agression qu'un des Princes vassaux de l'Empire du Japon se permet contre le pavillon des Puissances étrangères au mépris du droit des gens et des stipulations des Traités existants.

Quant au deuxième point : —

Les Soussignés ont pris en considération —

1. La communication faite par le Gorogio le 26 Octobre dernier aux Représentants des Etats Unis et des Pays Bas, convoqués à Yédo à cet effet, et conçue en ces termes : —

“ Il est du plus haut intérêt réciproque que le port de Yokohama soit fermé au commerce ; c'est le seul et unique moyen de diminuer l'excitation dominante et de prévenir une révolte générale parmi le peuple, qui hait les étrangers.”

2. La lettre officielle adressée par le Gorogio au Ministre Résident des Etats Unis, en date du 2 Février dernier, et dans laquelle les Ministres du Taïcoun lui font savoir qu'une Mission a été envoyée auprès des diverses Puissances Signataires des Traités pour leur proposer la fermeture au commerce du port de Yokohama, “ à l'effet,” disent-ils, “ de tranquilliser le sentiment national et de perpétuer les relations de paix et d'amitié, sans causer des dommages à tant d'êtres humains.”

Et 3, enfin, les communications verbales, si formelles, qui viennent d'être faites, ces jours derniers, par le Gorogio en premier lieu à l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, et ensuite au Ministre Plénipotentiaire de Sa Majesté l'Empereur des Français, à savoir, que la fermeture du port de Yokohama est, pour le Gouvernement du Taïcoun, une nécessité absolue qui lui est imposée par l'état intérieur du pays, et que, si cette mesure n'était pas agréée par les Gouvernements étrangers, le Gouvernement du Taïcoun ne se trouverait peut-être plus en mesure soit de protéger l'existence des étrangers au Japon, soit d'assurer la continuation du commerce dans les ports ouverts.

Quant au troisième et dernier point : —

Considérant que les déclarations officielles qui précèdent indiquent de la part du Gouvernement Japonais le projet bien arrêté de fermer, par n'importe quel moyen, le port de Yokohama au commerce étranger, et que ces déclarations coïncident avec divers actes qui tendent à l'annulation progressive des stipulations les plus essentielles des Traités, constituent, en fait, le commencement d'exécution d'un projet dangereux non seulement pour les intérêts commerciaux engagés avec ce pays, mais encore pour la sécurité des nationaux de toutes les Puissances Contractantes dans les différents ports du Japon ; qu'il y a lieu, par conséquent, tout en protestant contre cette demande insolite du Gouvernement du Taïcoun, de sauvegarder la vie et la fortune des résidents menacées par le langage officiel des Ministres Japonais ;

Par ces motifs, et pénétrés d'ailleurs des obligations solennelles que les Traités conclus entre les Etats Souverains imposent à la politique des nations, les Soussignés sont unanimement d'avis qu'il est de leur devoir de sommer le Gouvernement du Taïcoun de retirer formellement la déclaration qu'il leur a faite de son intention bien arrêtée de fermer le port de Yokohama au commerce étranger, et, à défaut d'une réponse satisfaisante de la part du Gouvernement du Taïcoun tant en ce qui concerne la fermeture du dit port qu'en ce qui a trait de la sécurité des personnes et des biens des étrangers et à la continuation du commerce à Yokohama, les dits Représentants, en attendant les décisions ultérieures de leurs Gouvernements respectifs sur ces graves questions, se réservent, d'abord, de déclarer collectivement au Gouvernement du Taïcoun qu'ils le rendent responsable du moindre dommage qui serait causé à la personne ou aux propriétés de leurs nationaux, et de prendre ensuite, conjointement, telles mesures qu'ils jugeraient nécessaires pour assurer,

chacun suivant les moyens d'action dont il peut ou pourra disposer, la sécurité des établissements étrangers à Yokohama, ainsi que le maintien des droits garantis par les Traités.

Les déterminations qui précèdent sont prises par les Soussignés en raison de la position tout exceptionnelle dans laquelle se trouvent les relations étrangères au Japon en suite du langage et des actes tant du Gouvernement du Taïcoun que des différentes Princes influents de cet Empire.

Ci-joint est annexée la copie de la note identique que les Soussignés vont immédiatement, et chacun séparément, adresser aux membres du Gorogio, Ministres des Affaires Etrangères présents à Yédo, en conformité des décisions ci-dessus énoncées.

(Translation.)

THE Undersigned, Representatives of Great Britain, France, the United States, and the Netherlands, being fully convinced of the increasing gravity of the existing state of affairs in Japan, have thought it right to unite in order to consider, in concert with each other, the nature of the situation, and to organize by a mutual understanding the means for preventing its aggravation.

Three points more especially present themselves for the consideration of the Undersigned.

In the first place, the silence preserved by the Government of the Tycoon with regard to the joint declaration officially transmitted to them in July last by the Representatives of Great Britain, France, the United States, and the Netherlands, on the subject of the acts of hostility committed by the Daimio of Choshu in the Straits of Shimonasaki.

In the second place, the communications which have been successively made to the undersigned Representatives by the Members of the Gorogio with regard to closing the port of Yokohama.

And, in the third place, the joint measures which it is necessary to adopt to preserve the rights guaranteed by Treaties, to secure the safety of their countrymen, and to stay the Governor of the Tycoon in the course of open reaction upon which they have entered.

The Undersigned having deliberately examined these various points, have thus summed up their opinion :

As to the first point :—

Considering that the Representatives of the above-mentioned Powers agreed on the 25th of July, 1863, in a special Conference, upon the necessity of placing the Japanese Government under obligation to put a stop to and repress the acts of violence of the Prince of Nagato; acts which have interrupted and still interrupt the commercial navigation through the Straits of Shimonasaki, commanded throughout their whole length by the cannons of this audacious vassal; that the result of that Conference had been officially communicated to the Government of the Tycoon in last July by the said Representatives, in order to prove to that Government that foreign Powers wished to leave to them, in the first instance, the task of bringing to a close by themselves, and without foreign intervention, aggressions which are equally contrary to the Treaties and to the international law of civilized nations; that, notwithstanding that communication, which dates from more than six months back, no serious measure appears to have been taken by the Japanese Government on this important matter, and that, consequently, it is to be feared that the impunity afforded to the acts of the Prince of Nagato might become, if such a state of things should continue, a dangerous example for the other Daimios, and precipitate, to the great loss and danger of all the residents in Japan, the avowed project which they proclaim of forcibly expelling foreigners;

It was resolved—

That it had become necessary, in the true interests of peace, to recall to the Government of the Tycoon the collective declaration forwarded last July by the Representatives of the four Powers above mentioned, and to make a fresh effort to cause that Government to remove the obstacles which obstruct the navigation of the Inland Sea and to put a stop at the same time to the aggressive acts which one of the vassal Princes of the Japanese Empire has ventured to commit against the flag of foreign Powers, in contempt of international law and the stipulations of existing Treaties.

As to the second point :—

The Undersigned have taken into consideration—

1. The communication made by the Gorogio on the 26th of October last to the Representatives of the United States and the Netherlands, summoned to Yeddo for that purpose, and couched in these terms :—

"It is of the highest reciprocal interest that the port of Yokohama should be closed to commerce; it is the only and unique manner to diminish the prevailing excitement, and to prevent a general rebellion of the people, who hate foreigners."

2. The official letter addressed by the Gorogio to the Minister Resident of the United States, dated the 2nd of February last, and in which the Ministers of the Tycoon announce that a mission has been sent to the various Treaty Powers to propose the closing to commerce of the port of Yokohama, "in order," they say, "to tranquillize the feeling of the nation, and to perpetuate the relations of peace and friendship, without causing injury to so many human beings."

And 3, lastly, the formal verbal communications which have been recently made by the Gorogio, in the first instance to the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, and subsequently to the Minister Plenipotentiary of His Majesty the Emperor of the French, to the effect that the closing of the port of Yokohama is an absolute necessity which is imposed on the Government of the Tycoon by the state of the interior of the country, and that if this measure should not be agreed to by the foreign Governments, the Government of the Tycoon might perhaps find it no longer possible either to protect foreigners residing in Japan, or to assure the continuance of commerce at the open ports.

As to the third and last point:—

Considering that the preceding official declarations show on the part of the Japanese Government a determined intention of closing, by whatever means, the port of Yokohama to foreign commerce, and that these declarations, coinciding with various acts which tend to the progressive annulling of the most essential stipulations of the Treaties, constitute, in fact, the commencement of the execution of a project dangerous not only for the commercial interests entered into in this country, but also for the safety of the subjects and citizens of all the Treaty Powers in the different ports of Japan; that it is necessary, consequently, whilst protesting against this unlooked-for demand of the Tycoon's Government, to take measures for the security of the life and property of the residents threatened by this official language of the Japanese Ministers;—

For these reasons, and being persuaded of the solemn obligations which the Treaties concluded between Sovereign States impose on the policy of nations, the Undersigned are unanimously of opinion that it is their duty to summon the Government of the Tycoon to formally withdraw the declaration which they have made of their determination to close the port of Yokohama to foreign commerce, and in default of a satisfactory reply on the part of the Tycoon's Government, both as regards the closing of the said port and as to the safety of the persons and property of foreigners and the continuance of commerce at Yokohama, the said Representatives, pending the final decision of their respective Governments on these grave questions, reserve to themselves in the first place the right of declaring collectively to the Tycoon's Government that they consider them responsible for the least injury which may be caused to the persons or properties of their countrymen, and of afterwards taking in concert such measures as they may judge necessary for assuring, each according to the means of action which he has in his power to dispose of, the safety of the foreign communities at Yokohama, as well as the maintenance of the rights guaranteed by Treaties.

The above-mentioned decisions have been come to by the Undersigned by reason of the very exceptional position in which the relations of foreign nations to Japan are placed in consequence of the language and proceedings both of the Tycoon's Government and of the different powerful Princes of that Empire.

Annexed is a copy of the identic note which the Undersigned are separately about immediately to address to the members of the Gorogio, Ministers of Foreign Affairs now at Yeddo, in conformity with their intentions as above declared.

Inclosure 2 in No. 44.

Sir R. Alcock to the Japanese Ministers for Foreign Affairs.

Yokohama, , 1864.

THE Representatives of Great Britain, France, the United States, and Holland, having on the 25th day of July, 1863, declared it to be indispensable to the maintenance of Treaty rights that the Inland Sea should be re-opened, they announced such decision to your Excellencies, confidently hoping that His Majesty the Tycoon would effect that object.

In this reasonable expectation they have been disappointed. The Japanese Government has made no reply to that communication, nor has it taken any steps to put a stop to hostilities which are still threatened.

It has on the contrary shown either its sympathy with those hostile to the Treaties, or submission to their dictation, by asking that the port of Kanagawa shall be closed, and declared that it is only on such condition that peace can be preserved.

The Undersigned having been made acquainted with the views of his Government in reference to this most extraordinary proposition, is enabled to declare that no such concession can be made. He therefore invites your Excellencies to withdraw such request, in order that the excitement which will naturally attend its discussion, may be removed.

In the interest of peace he also feels it to be his duty to declare, that the Government of His Majesty the Tycoon cannot safely rely upon the further forbearance of Great Britain, and that it will be expected to show both its willingness and ability to remove the obstructions to commerce, which now exist at the outlet of the Inland Sea, and to prevent any repetition of the hostile acts of the Prince of Choshu.

The Undersigned conceives it equally his duty to call the serious attention of the Government of the Tycoon at this moment, to the grave responsibilities which will inevitably fall upon them, if, as the language of the Ministers themselves would lead it to be inferred, any violence should be offered to foreign residents by Japanese subjects, or any damage by whomsoever inflicted on their interests, trade, or property in this country, which, equally with their lives, are placed under the safeguard of Treaties and the law of nations.

With respect and consideration.

(Signed)

RUTHERFORD ALCOCK.

No. 45.

Earl Russell to Sir R. Alcock.

Foreign Office, August 8, 1864.

Sir,

YOU will receive by the mail which left England on the 26th ultimo directions as to the conduct you should pursue in Japan.

But your despatches of the 21st and 25th of May are of such importance that it is, in the opinion of Her Majesty's Government, necessary that at no long interval of time you should return home to explain the actual situation of affairs, and confer with Her Majesty's Government as to the measures to be taken.

I shall by the next mail inform you as to the provision which will be made for carrying on the business of the Mission during your absence.

In the meantime I have communicated at Paris, Washington, and the Hague the views of Her Majesty's Government.

I confess I cannot perceive, except in the increased preparations for defence at Yeddo, and for attack [in the neighbourhood of Yokohama, that your accounts give reason to apprehend any immediate attempt to drive foreigners out of Japan.

The Prince of Satsuma at least appears more friendly than he has hitherto been.

I do not understand that the passage of the Inland Sea is at all necessary for purposes of foreign commerce so long as Osaka is not open, and the Mikado remains in seclusion at Kioto.

I am, &c.

(Signed)

RUSSELL.

No. 46.

Earl Cowley to Earl Russell.—(Received August 13.)

Paris, August 12, 1864.

My Lord,

THE Marquis de Cadore has received directions to inform your Lordship that the Imperial Government acquiesce entirely in the instructions which your Lordship addressed to Sir Rutherford Alcock on the 26th ultimo with reference to the conduct he was to pursue in the present critical state of affairs in Japan.

M. Drouyn de Lhuys' last advices from that country inform him, however, that Sir Rutherford Alcock was about to take advantage of the presence of a British squadron in those waters to open the passage of Shimonasaki; that he had been promised the active support of the Dutch and United States' Ministers, and the moral support of the Minister of France, the latter's instructions preventing him from engaging in hostilities except for the protection of French interests.

I have, &c.

(Signed)

COWLEY.

Sir J. Milbanke to Earl Russell.—(Received August 13.)

(Extract.)

The Hague, August 9, 1864.

THE communication to the Netherlands Minister for Foreign Affairs of the correspondence relating to affairs in Japan led, as was to be expected, to a conversation of some length, in the course of which his Excellency was good enough to read to me several passages from Reports received by this Government both from its Political Agent in that country, and from the Commander-in-chief of the Dutch naval force stationed in those seas.

The former, the latest of which bears the date of the 26th of May, coincided in all respects with the accounts given by Sir R. Alcock, and are strongly confirmatory of the opinions expressed by him as to the hostile dispositions of the Japanese towards all foreigners indiscriminately. Those of the Naval Commander do not come down to anything like so recent a date, and appear to have been written under the impression that compulsory measures were contemplated against the Prince of Nagato, but before the formidable defensive preparations on which he has since expended so much care and science were completed.

M. Cremers deeply regrets that so much time should have been lost, for he thinks that steps ought to have been at once taken to bring the Prince of Nagato to a thorough sense of the error he had committed in closing the Inland Sea, and assuming a hostile attitude towards all vessels attempting to enter them in defiance of Treaty engagements. The longer this Daimio, his Excellency argues, is allowed to remain unpunished, the greater will become the danger of a more serious and complicated struggle with the whole country, since a very slight acquaintance with the Japanese character is enough to show that any hesitation on the part of the European Powers in insisting upon redress will not fail to be interpreted into a confession of weakness.

All the efforts made to obtain reparation even down to the last moment have extracted nothing beyond vague promises, without the slightest prospect of their fulfilment, from the Japanese rulers, and under these circumstances his Excellency still holds to the opinion that notwithstanding the increased difficulties of the undertaking the Prince of Nagato ought to be made to feel the weight of the wrath of the affronted European Powers.

Two courses are, he says, open to them: they might either join in inflicting condign punishment on the Prince by means of their own naval and military forces, or they might by urgent representations induce the Tycoon to take that task upon himself in conjunction with them, and under an engagement that they should afford him the necessary material aid. M. Cremers would prefer the latter mode, if it were possible to bring the Tycoon to the point, because he conceives that the object in view might be attained without exciting the susceptibilities of the Japanese Government, or furnishing a pretext for a war cry, inasmuch as the Prince has already been declared a rebel, as well by the Mikado as the Tycoon. M. Cremers, therefore, suggests that the foreign Representatives, acting in concert, should present to the Tycoon a declaration, couched in courteous language, announcing their fixed determination to obtain satisfaction from the offending Daimios, as well as the removal of all obstructions to the navigation and commerce of the Inland Sea within a given period, which in consideration of the Convention recently signed at Paris by the Japanese Euvoy, he would not object to extend to three months. His Excellency, however, thinks that in this document the Tycoon ought to be distinctly told that if at the expiration of this term their just demands for a more faithful observance of the Treaties should still be disregarded, or any further vacillation or evasion practised, they would be driven to the employment of force on their own account without further appeal or warning to the Government he is supposed to represent. The latest despatches from the Dutch Political Agent to which I have above adverted, so far from indicating any amelioration of the situation in Japan, rather tend to invest it with a character of increasing gravity, for they contemplate the possible necessity for calling upon all Dutch subjects to take refuge at Nagasaki.

These reports are, as your Lordship will readily understand, but ill-calculated to work a change in the mind of M. Cremers, whose concurrence in the views of Sir R. Alcock is rather strengthened by them, and who leans to a course of prompt and vigorous action.

His Excellency thinks that no further proof is required that a catastrophe is imminent in Japan, and he is apprehensive that unless preventive measures are speedily adopted, it will burst over the European community, and unavoidably bring on a war on a much larger scale than would be the case were hostilities to be confined to the avengement of wrongs on a single nobleman whose acts and conduct have already been openly disavowed

by the constituted authorities. He conceives that a severe blow inflicted upon one of their number would strike terror among the whole body of Daimios; that it would fortify the courage of those who are supposed to be friendly, and convince the hostile portion of them that the European Governments are not to be overreached or deterred from vindicating the honour of their flags by any fear of them or their batteries; and, further, M. Cremers does not doubt in the least that an expedition undertaken jointly by all the foreign Powers would be productive of great advantage by putting an end to the conceited ideas of the Japanese in regard to their military capabilities, and thereby perhaps contribute to avert the deplorable consequences to which an overstretched leniency must, it is to be feared, inevitably lead, as soon as the Government deems itself strong enough to proceed to the expulsion or massacre of all the foreigners, and the appropriation or destruction of their property.

No. 48.

Earl Russell to Sir R. Alcock.

Foreign Office, August 15, 1864.

(Extract.)

WITH reference to your despatch of the 21st of May, I have to convey to you the approval, by Her Majesty's Government, of your having sent to Hong Kong for the remaining wing of the 20th Regiment. When all danger of an attack on Yokohama has entirely ceased, that wing may be sent back to Hong Kong.

No. 49.

Earl Russell to Sir R. Alcock.

Foreign Office, August 18, 1864.

Sir,

FROM your recent despatches and from other trustworthy information it appears that the injuries inflicted by the batteries and troops of the Prince of Nagato on ships navigating the Inland Sea concerned the Governments of France, the United States, and the Netherlands;

That the French Government have expressed themselves satisfied with the punishment they have already inflicted on the agents and soldiers of the Prince of Nagato;

That the United States' Minister declined to take steps of a warlike nature till fresh forces of his nation should arrive;

That the Dutch Envoy and the Dutch Government alone desire that Her Majesty's naval forces should proceed to measures of coercion in the Inland Sea.

It appears, further, that the navigation of the Inland Sea is not necessary for purposes of European and American commerce so long as Kioto and Osaka are shut to foreigners.

That the Tycoon still professes an intention to chastise the Prince of Nagato for his hostile acts, and that he is promoting, by the most expeditious means in his power, the construction of barracks for the regiment of British troops which you have summoned to Yokohama.

In these circumstances Her Majesty's Government are of opinion that you should not require Admiral Kuper to act in a hostile manner against the Prince of Nagato, and that you should turn all your attention, and that of the Commander of Her Majesty's naval and military forces, to the defence of Yokohama.

If the Tycoon and the Mikado see that the British position is strong, and that the British naval and military forces are effective, they will, by degrees, if not at once, drop all thoughts of violating the existing Treaties, and of expelling foreigners from Japan.

You will communicate the substance of this despatch to your French, Dutch, and American colleagues.

I am, &c.

(Signed) RUSSELL.

No. 50.

Earl Russell to Sir R. Alcock.

Sir,

Foreign Office, August 25, 1864.

WITH reference to my despatch of the 8th instant, I have to state to you that I have been informed by Colonel Neale that the state of his health is such as to prevent him from returning immediately to Japan; and as Her Majesty's Government are still desirous of communicating personally with you on the state of affairs in that country with as little delay as possible, I have no alternative but to leave Mr. Consul Winchester in charge of Her Majesty's Mission after your departure.

As soon, therefore, as you can make arrangements for your return home, you will inform the Japanese Government that you are about to proceed to England on leave of absence, and that Mr. Consul Winchester will thereupon act as Her Majesty's Chargé d'Affaires.

On making over to Mr. Winchester the charge of the Mission you will caution him in the strongest terms against having recourse to any aggressive proceedings.

I am, &c.

(Signed) RUSSELL.

No. 51.

Sir R. Alcock to Earl Russell.—(Received August 29.)

(Extract.)

Yokohama, June 27, 1864.

ON the 23rd instant a Japanese squadron of five steamers passed up the bay, and two days later the return of the Tycoon to his capital was officially notified.

The *note identique*, addressed by the foreign Representatives to the Gorogio a month ago, remains unanswered and unacknowledged.

The British trade at Kanagawa constitutes eleven-thirteenths of the whole. The Americans, Dutch, French, and Prussians alone have any trade or material interests to defend, and the largest quota is under 1,000,000 dollars. The Russians, Portuguese, and Swiss have none at all.

The insecure position made for us at the present time, and indeed for the last two years, by the Japanese ruling classes, is one that cannot be indefinitely prolonged. It is not only derogatory, and such as ill befits the great maritime Powers of the West, but the constant necessity for being in a state of preparation against treachery and hostile acts, as the condition of security is too costly and burdensome to be tolerable as a permanence. Doubtless there is a natural feeling of reluctance to take any step, however imperatively called for, in the interests of a general policy, so long as the Japanese do not actually interrupt the course of trade, or seriously threaten immediate danger to life and property. Yet still anything so precarious as the present state of affairs cannot long continue. The Government of the Tycoon, if it is to rule the country, must adopt a more honest and straightforward policy towards the Treaty Powers; or these will have no alternative but decisive action to enforce a due observance of Treaty rights, many of which are at this moment, as they have long been, in a state of total abeyance.

Inclosure in No. 51.

RETURN showing the Trade carried on by the different Nationalities at the Port of Kanagawa during the year 1863, together with a List of Residents, &c.

	Principal Firms.	Number of Residents.	Amount of Ground-Rent Paid.	Number of Vessels.	Tonnage.	Value.
			\$			\$
British	16	140	10 255.40	100	34,790	11,140,091
American	5	80	2,843.08	40	21,102	928,642
Dutch	4	40	2,549.81	13	3,464	977,622
Prussian	5	14	422.91	8	2,310	459,559
French	2	18	1,736.19	7	2,156	227,863
Russian	None	None	None	2	598	16,208
Portuguese	"	3	"	None	None	None
Swiss	"	5	"	"	"	"
Totals	32	300	17,807.20	170	64,420	13,749,985

March 1864.

No. 52.

Lord Lyons to Earl Russell.—(Received September 1.)

My Lord, Washington, August 19, 1864.
 IN pursuance of your Lordship's instructions I placed confidentially in Mr. Seward's hands, yesterday, copies of the several papers relating to the affairs of Japan which were transmitted to me with your Lordship's despatches of the 16th and 26th ultimo. I, at the same time, expressed to Mr. Seward the hope of Her Majesty's Government that such a concert might be established between the several Powers interested as would lead to the future security and beneficial trade of Europeans and citizens of the United States in Japan.

I have, &c.
 (Signed) LYONS.

No. 53.

The Secretary to the Admiralty to Mr. Hammond.—(Received September 28.)

Sir, Admiralty, September 28, 1864.
 I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated the 23rd July, from Vice-Admiral Sir Augustus L. Kuper, with copy of its inclosure, reporting the circumstances under which Her Majesty's ships "Barrosa" and "Cormorant" have been sent from Yokohama to the western part of the Inland Sea of Japan.

I am, &c.
 (Signed) W. G. ROMAINE.

Inclosure 1 in No. 53.

Vice-Admiral Sir A. Kuper to the Secretary to the Admiralty.

Sir, "Euryalus," at Yokohama, July 23, 1864.
 ON the 20th instant I received a communication from Sir Rutherford Alcock, acquainting me that two of the five youths sent to England last year by the Prince of Choshu to be educated, moved by anxiety for their master's safety on receiving the news of his hostile acts at Shimonasaki, had returned here in the hope of being able to find the means of proceeding to the Prince's territory, convinced that he will be induced by what they can report from personal observations of the power and resources of Great Britain, to desist from any further hostile course of action.

2. Her Majesty's Minister being of opinion that the chance of opening direct communication with the Prince of Choshu, and which it is possible might eventually lead to the establishment of amicable relations and a satisfactory settlement of existing differences should not be lost, requested me to afford these youths the means of proceeding on their mission, and of landing them as near to the point of their destination as might be compatible with their wishes and the safety of Her Majesty's ships.

3. As I should at any rate have had occasion to send a vessel in that direction to reconnoitre, previous to any operations being undertaken, I accordingly on the 21st instant dispatched the "Barrosa" to the western part of the Inland Sea, giving Captain Dowell instructions, a copy of which is forwarded herewith for the information of their Lordships; and as I considered it desirable under existing circumstances, and with our imperfect knowledge of that locality, that a second vessel should be sent, I directed Captain Dowell to take the "Cormorant" under his orders.

4. I have also availed myself of this opportunity to detach Major Wray, Royal Engineers, in the "Barrosa," for the purpose of ascertaining as far as possible, without approaching too near the coast, the nature, extent, and position of the batteries forming the defences of the Straits; and the master of my flag-ship has also been lent to the "Barrosa" to assist Captain Dowell in making hydrographical observations, and otherwise obtaining information respecting secure anchorages and other particulars, all of which would be of considerable value in the event of an expedition being determined upon to clear the obstructions to trade now existing in the Western entrance to the Inland Sea.

5. At the request of Rear-Admiral Jaurès, and that of the Senior Officer of the Dutch

squadron, I have also sanctioned an officer from the French and Dutch naval force being received on board the "Barrosa," to enable them to make local observations, &c., for the information of their respective Commanders-in-chief.

6. The "Barrosa" and "Cormorant" are expected to be absent about three weeks.

I have, &c.

(Signed) AUGUSTUS L. KUPER.

Inclosure 2 in No. 53.

Orders addressed to Captain Dowell.

By Vice-Admiral Sir A. L. Kuiper, K.C.B., &c.

HAVING received on board the ship you command the persons named in my Memorandum of yesterday's date, and being in all respects ready for sea, you are hereby required and directed to take the "Cormorant" under your orders and proceed through the Boungo Channel to the western part of the Inland Sea, where you will make such arrangements as you may find expedient for landing the two Japanese at the point on the coast of Nagato which they may select as most convenient for the object they have in view.

2. As it will be desirable not to create unnecessary alarm, you are to anchor the "Barrosa" in the neighbourhood of the Island of Hime Sima, sending the "Cormorant," as drawing less water and not so likely to alarm the natives, to land the Japanese; having effected which, she is immediately to rejoin the "Barrosa," and you are not again to approach that part of the coast.

3. The Island of Hime Sima is to be considered as your rendezvous, and you will await at or near that anchorage for the space of twelve days an answer from the Prince of Nagato to the messages or letters sent by Her Majesty's Minister; but in the event of no answer or other communication reaching you by the expiration of that time, the "Cormorant" is to be sent to Yokohama to report your proceedings, and you are at liberty to remain three or four days longer at your anchorage before rejoining my flag.

4. Messrs. Enslie and Satow, Interpreters to the Legation, have been detached by Her Majesty's Minister for the purpose of enabling you to communicate with any Japanese who may be sent to the ship with messages or letters from the Prince of Nagato or others; but in receiving such persons on board, you will be careful before entering into communication with them to cause the interpreters to satisfy themselves that such messengers are deputed on the part of the Prince to communicate with Her Majesty's officers.

It will be your object to hear what these persons may have to say, and to gain all the useful information they may be capable of affording or willing to communicate, without committing yourself to any expression calculated to give the Japanese a clue to the possible ultimate proceedings of the squadron in the Inland Sea.

5. During your stay at the Island of Hime Sima, you will afford to Major Wray, R.E., all assistance in your power to enable that officer to ascertain the position and strength of the batteries, &c., in the Straits of Shimonasaki and its vicinity, and to make other observations; but you are to be very careful to avoid any chance of hostile collision, and on no account are you to permit any person under your orders to land.

6. You will also avail yourself of every possible opportunity for making hydrographical observations at and near the anchorage at Hime Sima Island and its vicinity, and more especially with the view of discovering secure anchorages which might eventually become available as a base of operations in the event of an expedition being detached for the purpose of clearing the Straits of Shimonasaki. To assist in the duty I have ordered Mr. Williams, Master of my flag-ship, to be lent to the "Barrosa."

7. In the performance of the above service, you will be careful to economize the fuel of the vessels under your orders as much as possible, using sails whenever practicable.

Given under my hand this 21st day of July, 1864.

(Signed)

AUGUSTUS L. KUPER.

By command, &c.

(Signed) H. H. SHANKS, *Secretary.*

To W. Montagu Dowell, Esq.,

Captain of Her Majesty's ship "Barrosa."

The Secretary to the Admiralty to Mr. Hammond.—(Received October 18.)

Admiralty, October 17, 1864.

(Extract.)

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Earl Russell, copy of a letter dated the 13th of August last from Vice-Admiral Sir A. Kuper, reporting the result of the mission of the two Japanese youths to Nagato.

Inclosure in No. 54.

Vice-Admiral Sir A. Kuper to the Secretary to the Admiralty.

(Extract.)

"Euryalus," at Yokohama, August 13, 1864.

THE mission of the two Japanese youths to the territory of the Prince of Nagato, terminating, as might have been expected, without successful result, may be briefly described by the following extract from Captain Dowell's letter of proceedings:—

"On my return to the 'Barrosa,' on the evening of the 6th of August, I found that the two Japanese gentlemen had returned, but without any written communication from their Prince. They stated that they had delivered the letters entrusted to them, and that he had sent them back with a verbal message to the effect that he, Prince Choshu, was merely carrying out the orders of the Tycoon and Mikado, and that he could not open the passage of the Straits of Shimonasaki without their sanction, which sanction he would endeavour to obtain if the Representatives of the European Sovereigns would agree to delay their proceedings for three months. I directed Mr. Satow, the Interpreter, to inform these gentlemen that I was not in a position to receive a verbal communication from their Prince; that if they were not the bearers of written answers, the matter, so far as I was concerned, was at an end, and that I should be obliged to return immediately to Yokohama. They then asked if the answer they had brought would be satisfactory if it was put in writing, and whether I would wait at Hime Sima whilst they returned to endeavour to persuade their Prince to write it. I answered that I was not in a position to say whether the answer would be satisfactory or otherwise, and I could not wait; but that there could be no difficulty in the answer being forwarded to the Ministers at Yokohama if Prince Choshu wished to do so.

"The Japanese gentlemen soon left the ship, having, I believe, told Mr. Satow that they knew hostilities were inevitable."

No. 55.

The Secretary to the Admiralty to Mr. Hammond.—(Received October 19.)

Sir,

Admiralty, October 18, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Earl Russell, copy of a letter, dated the 9th August last, from Vice-Admiral Sir A. Kuper, with its inclosures in original, respecting the policy proposed to be adopted by the Representatives of Great Britain, France, the United States, and the Netherlands towards Japan.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 55.

Vice-Admiral Sir A. Kuper to the Secretary to the Admiralty.

(Extract.)

"Euryalus," at Yokohama, August 9, 1864.

I REQUEST you will lay before the Lords Commissioners of the Admiralty the accompanying copy of a despatch, dated the 22nd ultimo, from Sir Rutherford Alcock, forwarding the copy of a Memorandum, of the same date, drawn up and signed by the Representatives of Great Britain, France, the United States, and the Netherlands, and

purporting to set forth the policy to be adopted by those Treaty Powers in connection with the present state of affairs in this country. Her Majesty's Minister's despatch covers also the copy of a *note identique* which was transmitted to the Japanese Ministers for Foreign Affairs on the 30th of May last, together with copy of their reply, of the 30th of June.

Inclosure 2 in No. 55.

Sir R. Alcock to Vice-Admiral Sir A. Kuper.

Sir, Yokohama, July 22, 1864.

YOU have been so fully informed from day to day of the course of events, and the various steps which I have taken, in concert with the Representatives of other Treaty Powers, that in forwarding the inclosed copy of a Memorandum signed by my colleagues and myself, there is little to add by way of explanation.

You are already aware that during the past two months the Representatives of France, the United States of America, and the Netherlands, have been in constant communication with me, and that there has been an entire identity of views and unity of action. They have during the whole of this time been anxiously engaged with me in discussing the best means of meeting eventualities only too probable in the present unsettled state of the country.

The equally unsatisfactory nature of our relations with the Tycoon's Government and belligerent Daimios has rendered it imperative to take some decisive steps for the better maintenance of Treaty rights, virtually ignored by the Tycoon, and openly violated by the Prince of Choshu.

During this period, therefore, a *note identique* was written by the four Representatives, after a Conference, and dispatched to the Ministers of Foreign Affairs at Yeddo on the 30th of May last. An official reply to this was received on the 30th ultimo only, and of so unsatisfactory a character that a Conference was held to consider its purport, and decide on the best course of action to be adopted in view of the actual situation. The four Representatives were unanimous in their opinion that the answer of the Japanese Ministers amounted to a formal and absolute negation of important Treaty rights.

In regard to the obstructions to the trade of Nagasaki, created by the Prince of Choshu, the Gorogio gave no hope of redress or change for the better. We were equally convinced that in view of the persistence shown in the demand for our retirement from Yokohama, the only port where trade has taken any large development, a resolute attitude and some effective action were both required for the ultimate security of life and property, and the maintenance of our position in the country.

Seeing that Treaty rights were permanently endangered by the course hitherto pursued on the part of the Mikado and powerful Daimios, no less than on that of the Tycoon, and that national interests of great importance were at stake, it was determined unanimously that a second *note identique* should be transmitted to the Ministers at Yeddo making a last appeal, and fixing a term of twenty days, at the end of which period, failing satisfactory redress, the Government to be advised that the four Representatives would, without further communication, address themselves to their respective naval and military commanding officers for the means of effecting by force the removal of obstructions to trade in the Inland Sea, which it would then be evident could by no other means be obtained.

The political situation, and the grounds which, in my opinion, and that of my colleagues, fully justify this course of proceeding will be found in the formal Memorandum, to which the signatures have this day been attached.

I have now the honour to transmit, for your information, copies also of the first *note identique*, with the reply of the Ministers.

With these documents in your hand, you will see that the Representatives of the only Treaty Powers which have either Diplomatic Agents or forces here have deemed it essential, before they are finally committed to the policy which they have maturely decided to be the best, to ascertain from the Senior Naval and Military Officers under their respective flags if the necessary means to give effect to the measures indicated are at their disposal, and whether their effective co-operation to that end may be counted upon.

As the *note identique* cannot be dispatched until this information has been obtained, I have the honour to request you will favour me with your opinion as to the adequacy of the coercive means which may be relied upon, and the feasibility of the measures proposed.

The maintenance of our position at this port, and the effective repression of any hostile movement by individual Daimios, whether directed against our trade or our security

in this country, were the main objects contemplated by Her Majesty's Government in diverting the 2nd battalion of the 20th Regiment from India, and sending an additional force of Marines to the fleet under your command. If, as we are led to believe, with such forces as are now available, it be practicable to destroy the batteries of the Prince of Choshiu, by which he interrupts the trade through the Straits, you will see it is the united opinion of the Representatives here that the influence of such a defeat would be most salutary as regards the political situation, which is daily becoming less satisfactory and more menacing. The party violently opposed to the continuance of foreign relations seem to gain encouragement from the Prince of Choshiu's long immunity, and are concentrating with all the more vigour their efforts for our expulsion from this place.

It seems probable, therefore, that the best and least costly mode of providing for the security of Yokohama, and averting an attack which it might be difficult successfully to resist, with the means at command, would be to take the initiative ourselves, and attack the most forward and belligerent of the hostile Daimios in his stronghold.

In conclusion, I feel sure that in the attainment of the objects in view I may count upon your cordial co-operation, together with that of the General commanding the military forces, to whom I have addressed a similar communication.

I have, &c.

(Signed) RUTHERFORD ALCOCK.

Inclosure 3 in No. 55.

Memorandum.

WHEN the Treaty Powers in 1862 consented, on the representations of the Tycoon's Envoys, to certain important modifications in the Treaties; the spirit, the motive, and the extent of these concessions were clearly set forth.

In consenting to the deferred opening of the ports, mentioned in the Memorandum signed at the time, the Treaty Powers were careful to establish the fact that this postponement, far from signifying a virtual abandonment of their rights, was, on the contrary, to be taken as indicating their firm resolution to maintain them, by furnishing the Tycoon with the means which he declared to be necessary for securing them in a more effectual manner.

In a word, the Japanese Government by the very tenor of those representations, pledged itself to remove, in exchange for these temporary concessions, all the difficulties of the time, and the obstacles which might oppose the development of our relations.

But what have been the results of these promises and concessions?

The Undersigned summed them up, when last year, in the month of July, they addressed to the Tycoon an identical note describing—

The restrictions placed upon commerce, the murderous assaults committed upon foreigners, the closing of the Inland Sea, and the attacks made upon foreign vessels by a Daimio.

These complaints remained unanswered; no steps were taken to give redress, and as the situation became worse, because the presence of foreigners at Yokohama was put in question, the Undersigned were compelled to renew their remonstrances in a note which they addressed on the 30th of May last to the Gorogio.

As the Yeddo Council has not this time thought it advisable to be silent regarding this step, the Undersigned have met together in order to examine the tenor of the reply to the aforesaid note received by them separately, and to fix upon the line of conduct to be followed on this occasion.

The Undersigned satisfied themselves that the reply from the Gorogio was identical, and virtually a negation of all their reclamations.

In effect, while deploring the violent acts of the Daimio who, after having closed the Inland Sea, still obstructs and interrupts the commerce of Nagasaki, the Japanese Ministers leave the Undersigned no hope of this state of things being modified, and warn them, moreover, of the dangers which the Treaty Powers may incur in attempting to arrive at that end by direct and common action.

As for the port of Yokohama, the Gorogio continues in the same course, and persists in demanding the abandonment of that settlement as a necessity urged upon it by circumstances, and as the only means of securing the lives of foreigners and the peace of the country.

In the face of this categorical declaration, the Undersigned are compelled to seek elsewhere for the means of obtaining redress for existing grievances, and of protecting, as effectually as possible, the interests intrusted to them.

And first they inquire what is the political situation of Japan ?

Authentic documents, derived from various sources, disperse the darkness with which the local Government endeavours to obscure it.

The Tycoon, by treating with foreigners on a footing of equality, has hurt the national pride of the Daimios, while he has damaged their interests by reserving to himself the monopoly of the new commercial relations. To these first causes of the discontent of the Daimios have soon been added the increase of taxes, and other exactions imposed on them under the pretext of providing for the defence of the country. This hostile attitude has been the more clearly defined from the Tycoonship having just passed into weak hands, and the best guarantee of its power given up when the Daimios, whom it was the custom to keep in Yeddo as hostages, were allowed to retire to their territories. These elements of opposition have naturally been concentrated round the Mikado, who can at his pleasure resume the exercise of his power which his ancestors and himself had simply delegated.

The members of the high aristocracy could not allow this occasion to pass without taking revenge for the long domination of a dynasty the founder of which had not even been their equal in rank, and they have put aside their respective rivalries in order to combine, and more effectually attack the reigning Tycoon on the foreign question as his weak point.

Hence the resolution recently taken at Kioto to annul the Treaties, and which commands the Tycoon to expel the foreigners by negotiations or by force.

The Tycoon comprehends his inability to fulfil such a mission, and conscious of the danger for his country of such an attempt, he feels inclined to temporize. But his weakness and inability take away from him all influence over the Councils of the Mikado.

Fortunately for us, he is not the only one who desires the adoption of a more prudent policy towards the Treaty Powers. A certain number of Daimios, amongst whom may be counted of old date the Princes of Etsizen, Higo, Idsu, Yossu, and more recently, Satsuma (whose views have apparently been modified by the attack on Kagosima), have given evidence, about the truth of which the Undersigned think there is not the slightest doubt of their desire to promote commercial relations, by establishing on a new or modified basis the intercourse of Japan with foreign Powers.

This party has not been afraid to state its opinions in the midst of the Council at Kioto ; but it has been obliged to give up, for the present, the struggle against an overwhelming majority.

The political situation of Japan might therefore be summed up as follows :—

Weakness of the Tycoon, and increasing powerlessness of that Prince to resist the violent pressure of a hostile majority ;

Existence of a party favourable to continued relations with foreigners, but at this moment incapable of giving effect to its opinions ;

Finally, armaments of every kind, prepared with the loudly avowed intention of expelling all foreigners from the country.

The position made for the Representative of foreign Powers is the natural consequence of the situation and the tendencies which they have just pointed out.

The residence in the capital is virtually interdicted.

The passage through the Inland Sea is forbidden to their vessels, by means of batteries erected with that object.

Commanders of Japanese junks who intended to bring merchandize to the foreign residents at Nagasaki have been killed by order of the Daimio who has erected the said batteries.

The people have been excited against the negotiators of the Treaties, by speaking of imaginary calamities as attached to their execution.

Orders from the local Government arbitrarily restrict the quantity of produce for exportation at the three open ports. Every day brings with it new obstacles to the development of the trade, which sometimes (Choshu has given an example) is suddenly stopped by violent measures.

The most elementary rules of the law of nations are disregarded.

Finally, the Gorogio insists upon the abandonment of Yokohama by the foreigners, and it claims the concession on the ground of its being necessary for the peace of the country, and above all for the security of the lives and properties of these foreigners, whom, it says, it will soon be impossible to protect against the hatred which they have inspired.

And yet, what is the mission entrusted to the Undersigned by their respective Governments ?

The recent decision of the Governments to which the demands on the part of the

Japanese Mission now in Europe has given rise, enable the Undersigned clearly to define their obligations. The foreign Powers not only reject in categorical terms the propositions regarding the abandonment of Yokohama, but also refuse, by anticipation, to listen to any overture for the modification of existing Treaties or curtailment of the rights they confer.

The instructions transmitted to the Undersigned are identical. All are directed to maintain Treaty rights intact, and to insist on their complete observance.

But do not the facts already cited prove that these Treaties of which the execution is required, are at present a mere dead letter?

The political situation, and the instructions the Undersigned have received from their Governments, are in irreconcilable contradiction, and they are bound, at the risk of failing in their duty, to seek, without delay, for the proper means of effectually modifying such a condition.

The Representatives of foreign Powers having experienced the uselessness of their representations and efforts with the Government of the Tycoon to obtain redress for their grievances, can only trust to means at their own disposal, in order to arrive at the best solution of the question that may be possible.

Looking in this direction, they recognize more than ever the necessity of strengthening and consolidating their position by a cordial understanding, founded upon identity of interests and entire unity of views, as well as of action.

Suffering from the same political situation, and provided with the same instructions, the question suggests itself whether it be in a prolonged temporization, or in energetic and prompt action, that they must find the remedy for the state of affairs they have pointed out. Forbearance and conciliation, and a policy characterized by these, have already been pushed to the utmost limit, and failed.

It is by following this system that the Treaty Powers have been led, from concession to concession, to the point where they now have arrived. It was from prudence, and the fear of bringing about complications, that they left Yeddo; that they subsequently allowed themselves to be almost confined in Yokohama; and that they have now waited a whole year for the reparation which they demanded from the local Government, relative to the hostile aggressions of the Prince of Nagato.

This long and patient forbearance was natural, so long as the Treaty Powers could believe in the promises and assurances of the Tycoon's Government; but it would now be a mistake, when undeniable facts prove that it has only encouraged the retrograde aspirations of a party which believes itself so certain of victory that it thinks it no longer necessary to conceal its hopes and designs.

The Undersigned, guided therefore by the experience of the past, believe they ought not to hesitate in coming to the conclusion that further inaction would be fatal to the interests at stake, and unavoidably productive, under greater disadvantages, and certainly with larger proportions, of the conflict which they would by such means seek to avert.

Whereas a more energetic attitude would, on the contrary, have undoubtedly, for immediate result, the dissipation of the idea now entertained by the Daimios, that patience has only been dictated by weakness or fear.

A vigorous demonstration will disarrange schemes scarcely yet formed, and is calculated to give support to the party favourable to the maintenance of Treaties before its opponents will have time to crush it. It will moreover give a salutary lesson to those semi-independent feudal Chiefs who scoff at the obligations of Treaties, the validity of which they repudiate, and who for the justification of their continuous acts of violence appeal to a decree still in existence which makes foreigners outlaws.

In a word, this decided attitude may furnish to the Tycoon an occasion to regain an influence which is slipping from his weak hands, although he is far from being willing to abdicate or renounce his governing powers. At all events it may compel this Prince to abandon the system of duplicity and half-measures which he now follows, and openly declare whether he wishes to respect the Treaties, or sides with those who wish to tear them up.

Thus the Undersigned are unanimously agreed as to the necessity of a vigorous effort, and the final abandonment of an expectant position. They are convinced that by prolonging the passive and expectant policy, they would unavoidably bring about a *dénouement* which, if there be nothing formidable in it now, owing to the imposing forces that the foreign Powers have at their disposal in Japan, might come later, at a moment when these forces being called elsewhere, they would have to resist without adequate means an enemy fully prepared, and who would choose the hour he might judge most favourable.

How and where the first blow must be struck is easily determined by an examination of the present state of things.

While the majority of the party hostile to the Treaties has limited itself to menaces,

the Prince of Choshu has resolutely taken the initiative of attack, by prohibiting to foreign vessels all access to the Inland Sea, and by stopping the supplies of produce for the Nagasaki market carried on by native junks, as has been shown by the successive reports received from the Consular Agents at that port; such a continued violation of the Law of Nations and formal negation of Treaty rights has been encouraged by the impunity which those perpetrating the acts have been allowed to enjoy. The futility of the representations made by the Treaty Powers on this head is for the hostile Daimios an argument upon which they build their hopes for the final success of their policy, and one which they freely use to keep up the excitement and courage of their followers and party.

Foreign Powers, therefore, in chastising the Prince of Choshu, will meet the exigencies of their position, and best contribute to the security and well-being of their subjects who have been injured by this belligerent Daimio.

The removal of the obstruction to the free navigation in the Inland Sea, by the destruction of the batteries whence the attack has come, will ruin the prestige of the aggressor, open the eyes of the hostile Daimios deceived by our inaction, and show the inanity of their menaces, and their incapability of standing before the science and military resources of the Treaty Powers.

The Undersigned being of one and the same opinion as to the necessity of acting, and the direction to be given to their movements, have agreed to establish certain principles to serve as the basis of future co-operation; and which may also strengthen the common understanding by removing suspicions which might be conceived as to the future projects of each of the Representatives. They have therefore accepted the following Articles:—

Article 1. The Undersigned lay down as general basis of their policy the neutralization of Japan; and while awaiting the adhesion of their respective Governments thereto, they engage that this principle shall prevail in the open ports.

Art. 2. The Undersigned will come to an understanding as to the measures to be taken to maintain the Treaty rights intact, especially the liberty of commerce in the open ports.

Art. 3. Although the experience acquired at the time of the expeditions to Shimonsaki and Kagosima has led them to consider an attack on the three open ports improbable, in consequence of any operations in the Inland Sea, yet the Undersigned will, in common, take measures in order to provide for this contingency, particularly as regards the port of Yokohama, which is most exposed to the chances of aggression or attack.

Art. 4. The Undersigned agree neither to ask for, nor to accept, any concession of territory, nor any exclusive advantage whatever, either in the open ports or elsewhere in Japan.

If, in order better to secure the success of the operations in the Inland Sea or elsewhere, it should appear to be useful or necessary to the Commanders of the naval forces engaged to take possession of a port, island, or any portion of land, it is distinctly stipulated that such possession shall confer no exclusive right to the nation which shall hold it, and that the same must cease as soon as the end in view shall have been attained.

Art. 5. The Undersigned stipulate, moreover, that they will abstain from all interference in the jurisdiction of the Japanese authorities over their people, as well as from all intervention between the contending parties in the country.

As the basis of an *entente cordiale* and effective co-operation, in view of the common action which it may become necessary in future to undertake, has been established, the Undersigned have agreed to bring this Memorandum to the knowledge of the Military and Naval Commanders of the Treaty Powers, and to invite them to concert among themselves the coercive means that may be necessary in order to secure the proposed result.

As soon as the said Commanders shall have declared that they are in a position to act in conformity with the programme of the policy above set forth, and not before, the Undersigned agree to transmit to the Gorogio, each separately, an identical note, which shall be, substantially, to the following effect:—

They are to be informed that their answer has been the subject of a conference.

Regret to be expressed that the previous letter should have had so little effect. Mere expression of regret for injury, to remain unredressed, of no avail; equally so warning of danger if foreign Powers do themselves justice. Persistence in demand for closing of Yokohama on a plea of necessity, overlooks a like necessity in foreign Powers not to consent.

Conference see in the general tenour of answers a formal and absolute negation of rights, and such a situation it is impossible to accept.

In consequence, the foreign Representatives have adopted resolutions in common accord, to be now communicated.

In respect to the affair of Choshiu, if within twenty days no material change and satisfactory guarantee for future security, action will be taken, through the Admirals and other Naval and Military Commanders, and without further communication with Ministers.

In reference to withdrawal from Yokohama, renewed protest against reiteration of a demand which foreign Representatives are not even allowed to discuss.

Suggest one consideration they seem to have overlooked, in making and persevering in this demand. Concessions of 1862 not absolute, but conditional. Non-fulfilment of conditions puts an end to concessions. Treaty Powers revert to Treaty; by this, right to claim execution of all Articles—opening of Yeddo, Osaka, Hiogo, and Nagato.

This the only answer of the demand for abandoning Yokohama.

The line of conduct here traced, and the general policy indicated throughout this Memorandum, as the best adapted under all the circumstances, in a political point of view, to lead to a satisfactory result, obviously assumes the availability on the spot of material forces, and their employment for the attainment of the more immediate ends in view.

It has accordingly been agreed by the Undersigned that neither the dispatch of the *note identique* nor any other step of a nature to commit them to any definite issue with the Japanese Government shall be taken until the assurance has been received of the naval and military officers in command that they are prepared to give their effective co-operation whenever it may be deemed necessary.

Signed in duplicate, in English and French versions, each to be regarded as originals, by the Undersigned, this 22nd day of July, 1864, at Yokohama.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary
in Japan.*

LEON ROCHES, *Minister Plenipotentiary of His
Imperial Majesty in Japan.*

ROBERT H. PRUYN, *Minister Resident of the
United States in Japan.*

D. DE GRAEF VAN POLSBROEK, *His Netherlands
Majesty's Consul-General and Political Agent in
Japan.*

Inclosure 4 in No. 55.

Sir R. Alcock to the Japanese Ministers for Foreign Affairs.

Yokohama, May 30, 1864.

THE Representatives of Great Britain, France, the United States, and Holland, having on the 25th day of July, 1863, declared it to be indispensable to the maintenance of Treaty rights that the Inland Sea should be reopened, they announced such decision to your Excellencies, confidently hoping that His Majesty the Tycoon would effect that object. In this reasonable expectation they have been disappointed. The Japanese Government has made no reply to their communication, nor has it taken any steps to put a stop to hostilities which are still threatened. It has, on the contrary, shown neither its sympathy with those hostile to the Treaties, or submission to their dictation, by asking that the port of Kanagawa shall be closed, and declared that it is only on such condition that peace can be preserved.

The Undersigned having been made acquainted with the views of his Government in reference to this most extraordinary proposition, is enabled to declare that no such concession can be made. He therefore invites your Excellencies to withdraw such request in order that the excitement which will naturally attend its discussion may be removed.

In the interests of peace he also feels it to be his duty to declare that the Government of His Majesty the Tycoon cannot safely rely upon the further forbearance of Great Britain, and that it will be expected to show both its willingness and ability to remove the obstructions to commerce which now exist on the outlet of the Inland Sea, and to prevent any repetition of the hostile acts of the Prince of Choshiu.

The Undersigned conceives it equally his duty to call the serious attention of the Government of the Tycoon at this moment to the grave responsibilities which will inevitably fall upon them, if, as the language of the Ministers themselves would lead it to be inferred, any violence should be offered to foreign residents by Japanese subjects, or

any damage by whomsoever inflicted on their interests, trade, and property in this country, which, equally with their lives, are placed under the safeguard of Treaties and the law of nations.

With respect and consideration.

(Signed)

RUTHERFORD ALCOCK.

Inclosure 5 in No. 55.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE have received your despatch of the 30th May, regarding the firing upon foreign ships by Nagato, which occurred last year, and in regard to the closing of the port of Kanagawa, and have fully understood all that your Excellency, acquainted with the views of your Government, has communicated to us on this subject.

Regarding the affair of Choshu, we sent the other day Suwa Inaba no Kami and Matsudaira Nui no Kami, members of the Second Council, to inform you that we were not in the least neglectful of it, but if this affair should be hastily arranged, now at a period when the national feelings are at variance, it may give rise to serious unforeseen events, which by their disturbing effects, we deeply fear, might lead to a rupture of the friendly relations hitherto existing; and as we have by degrees arrived at the eve of taking a resolution, we request that you will leave the matter in our hands for a short time.

Your suspicions that we had sympathies with those hostile to the Treaties by our asking that the port of Kanagawa should be closed has caused us much surprise; we have already explained through our Envoys, sent last year (to Europe), that such a plan had been found, after long deliberation, to be the only one calculated to calm down the national feelings, and remove the obstructions interfering with the relations of both countries.

We therefore request you will consider the above well, and trust it may always be an object of friendly care to you to make the international relations between the two countries strong and lasting.

With respect and consideration we communicate in answer the above.

27th day of the 5th month of the 1st year of Gendzie (30th June, 1864).

(Signed)

ITAKURA SUWO NO KAMI.

INUYE KAWATCHI NO KAMI.

MAKI NO BIZEN NO KAMI.

No. 57.

Sir R. Alcock to Earl Russell.—(Received October 26.)

(Extract.)

Yokohama, August 23, 1864.

SINCE my last despatch of the 27th of June events have succeeded each other so rapidly, and so much uncertainty has prevailed from day to day as to the immediate consequences to be anticipated, that I have been reluctant to touch at all upon the political affairs of a country in which the Government was almost in a state of dissolution, and contending factions were plunging the nation into a civil war, while threatening to provoke at the same time a conflict with foreign Powers.

The efforts of the Representatives of Treaty Powers in this interval of two months have been unceasing to bring about some definite result that might give greater security. Often this has appeared, as now, on the point of attainment, when some new move on the political chess-board has thrown everything into confusion. A revolution in the Palace, the dismissal of the Regent and the whole Gorogio, a new decree for our expulsion from Kyoto, have all contributed their quota to keep my colleagues and myself in a region of doubt and discussion, though working in perfect accord together.

It is natural that there should have been an unusual accumulation of documents during such a period, and they form now such a mass as to preclude the possibility of all being specially noticed in any one despatch, and are yet so inextricably connected by their contents that no division can advantageously be made.

I have now the honour to inclose the papers necessary to complete the record of the last two months. In a subsequent despatch, before this mail leaves, I hope to be enabled to submit a connected account of the events to which they refer, the progress of negotiations, and the result. So long as there is no definite end attained, and everything is in suspense, it is almost impossible to present any statement of affairs and the actual situation which shall not be more or less unintelligible in its details and unsatisfactory in its general sense.

Inclosure 1 in No. 57.

Acting Consul Myburgh to Lieutenant-Colonel Neale.

Nagasaki, September 17, 1863.

Sir,

I HAVE the honour to report to you the serious injury to the trade of this port, caused, it is said, by the obstruction to the passage of native vessels through the Straits of Shimonasaki by the Daimio Choshu, who is placing an embargo on all junks bound to Nagasaki with produce.

A short time ago he appears to have taken possession of the batteries on the opposite (Kiusiu) side of the Straits belonging to the Daimio Kokura, and was only induced to evacuate them, and restore them to their owner, on the latter faithfully promising to assist him in obstructing the channels to the passage of foreign ships by engaging them, should any such attempt to pass.

It is believed, however, that Kokura merely made the promise in order to regain possession of his batteries, and has not the slightest intention of fulfilling it.

We have been informed here that a Tycoon's steamer, which recently went from Yeddo to Shimonasaki was fired at and seized by Choshu, and that the principal officers on board, and the Ometské, were landed and are now detained as prisoners by him.

A high Mikado officer was lately reported to have passed Shimonasaki on his way to visit the principal Daimios of Kiusiu, Chikoozen, Higo, Satsuma, &c., with a retinue of 300 men, and that there was a probability of his touching at Nagasaki.

His object is said to have been to make arrangements in reference to the expulsion of foreigners from Nagasaki.

After having proceeded some distance into Kiusiu, he was recalled, and immediately returned to Kioto.

I received a visit last week from a Yeddo officer who had arrived here a few days previously in the Japanese steam-yacht "Emperor," from Yeddo, via Kagosima. He informed me that they were to have left at the same time as the English squadron for Kagosima, but were delayed, so that they only arrived there several days after the occurrences had taken place, and the ships had left. He confirmed the English version of the result of the actions and the enormous destruction of property by the guns of the men-of-war, but did not appear to know anything in regard to the loss of life on Satsuma's side.

The steamer "Scotland," sister ship of Satsuma's late steamer the "England," which sails under Prussian colours, but is, I believe owned by Americans, has been in port since the 11th instant, and, as I am given to understand, negotiations for her purchase have been going on between Satsuma's agents and an American house here.

Two days ago I was told that she had actually been bought, but as she is advertised to sail for Yokohama to-morrow morning, I presume that some difficulty must have arisen to prevent a final settlement.

I have, &c.
(Signed) F. G. MYBURGH.

Consul Myburgh to Sir R. Alcock, March 26, 1864.

[See Inclosure 2 in No. 34.]

Acting Consul Gower to Sir R. Alcock.

Sir,

Nagasaki, June 23, 1864.

NOTWITHSTANDING rumours to the effect that the intention of some six or seven Choshu lonins (whose presence here I have ascertained) is to murder some of the principal foreign merchants if the fleet should go to Shimonasaki, I have the satisfaction to report that nothing has yet happened to disturb the peace and tranquillity which I found re-established on my arrival at this port.

The trade, however, is far from reviving, which is totally owing to the Inland Sea still continuing to be strictly closed by the Prince of Nagato.

I have, &c.

(Signed) ABEL A. J. GOWER.

Inclosure 2 in No. 57.

Memorandum signed by the Foreign Representatives, July 22, 1864.

[See Inclosure 3 in No. 55.]

Inclosure 3 in No. 57.

Protest of the Master of the United States' ship "Monitor."

Consulate of the United States of America, Port of Nagasaki, Japan, to wit.

BY this public instrument of declaration and protest, be it known and made manifest unto all to whom these presents shall come or may concern, that on the 18th day of July, 1864, before me John G. Walsh, Consul of the United States of America for Nagasaki and the dependencies thereof, personally came and appeared Alphonso F. Friend, master of the ship or vessel called the "Monitor," of Shanghai, of the burden of 164 tons or thereabouts, then lying in this port of Nagasaki, laden with merchandise cargo, who duly noted and entered with me the said Consul his protest for the uses and purposes hereinafter mentioned, and now on this day, to wit, the day of the date hereof, before me the said Consul, again comes the said Alphonso F. Friend, and requires me to extend this protest, and, together with the said Alphonso F. Friend, also came George Barclay, chief officer, and J. W. Bonker, chief engineer, of and belonging to the said ship, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally, voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say:—

That these appearers on the 3rd day of July, in their capacities aforesaid, sailed in and with the said vessel from the port of Hakodadi, laden with merchandise, and bound to the port of Nagasaki; that the said ship was then tight, staunch, and strong, had her cargo well and sufficiently stowed and secured, had her hatches well caulked and covered, was well and sufficiently manned, victualled, and furnished with all things needful and necessary for a vessel in the merchant service, and particularly for the voyage she was about to undertake; that we sailed from Hakodadi, with light south-west winds, at 4 o'clock in the afternoon of the 3rd July, having on board as passengers Messrs. H. K. Drake and P. T. Ashborn, of Shanghai, and Mr. Carl Nickel, of Nagasaki. On the next day we encountered strong south-west winds and cloudy weather, and finding the coal on board to be very poor, were unable to make more than 20 lbs. of steam, and consequently but little progress. This continued until the 7th, when we could not get more 15 lbs. of steam, then set fore and aft sails.

On the 8th had strong winds from the same quarter with rain, worked up to 20 lbs. of steam, using fore and aft sails. This day broke the steam-pipe and had to bank fires and heave-to to repair it, which was accomplished the same night, and the vessel put under steam again.

9th. Strong gales from the same quarter, with rain and squalls, hove the vessel to

under short sail with steam on, had a very high head sea with heavy rolling and pitching, and made but little progress on our course.

10th. Wind lighter from south-west, with clear sky, going under 20 lbs. of steam, and keeping along the coast within two or three miles of the shore, was informed by the chief engineer that the coal on board would not last beyond twenty-four hours more, took out some of the cargo to get the dnnage, took down all the bulkheads, berths, and every piece of wood that could be found to make the coal hold out as long as possible.

11th. South-west breezes and fine weather. Continued along the coast within about one mile of the shore; burnt up all the spare hemp rigging, water-casks, lower-deck hatches, and all wood that could be found; had only eight hours' coal left. At 5 P.M. saw a large bay with a town on both sides, well sheltered from the south-west; put in to get wood. At 7 P.M. came to anchor in five fathoms about fifty yards from the shore, opposite the town on the western side of the bay; furled all sail. Soon after a boat came alongside with two officers and four boatmen; asked us our nationality, and what we wanted. Told them, through a Japanese servant of Mr. Nickel's (our passenger), we were Americans, and wanted wood or coal, water, and fresh provisions; at the same time we hoisted the American ensign. The officers then went away to, as they said, inform their superior officers; they did not come back. Saw lights moving about the town all night, and boats were passing from one town to the other. The town in front of us and within fifty yards contained, as we estimated, about 100 houses, and seemed a well-built place, having houses in it which appeared like officials' residences. The other town appeared much larger, and was distant from us and the other town about two and a-half miles. The chart showed the place to be in the territory of Nagato. The next morning at daylight a battery of four guns, about 12-pounders, 500 yards to the eastward of us, and about the same distance from the small town, opened fire on us, and continued firing until we got up steam, which was in about one hour after the firing commenced. None of the shot took effect, but some fell quite near us. We then hove up our anchor and steamed a-head, and as we did so a volley was fired at us from small arms from all parts of the town, a perfect shower of bullets flying around us until we had steamed out of range. When out of range we opened fire on the town with shell from two 14-pounder Parrots guns of Algiers, maker (Boston). The battery of the eastward ceased firing as soon as we commenced, but an occasional shot came from the town. We threw twenty-six shells, nearly all of which took effect, setting the town on fire in two places. A battery on the opposite side of the bay kept up a fire on us at intervals from eight long guns. This battery was distant about two miles, and the shot fell short when in range. Finding we had only a few hours' coal left on board we steamed out of the harbour. On examination found twenty-two bullets in the side of the ship, some of them through the planking. During the night mat-screens had been put up in front of the town, and the small-arm firing was from behind. Think there were about 1,000 arms discharged at once. Latitude of the bay $34^{\circ} 27'$ north, longitude $131^{\circ} 13'$ east. Harbour large and well-protected, excepting from north winds; good holding-ground.

12th. Light south-west wind and fine weather. Set all drawing sails and disconnected the propeller. Ship making considerable lee-way.

13th. Wind stronger from same quarter; proceeded with all drawing sail set. Saw the Island of Tsusima bearing west about ten miles. Tacked to the south-east.

14th. Moderate winds from the south-west and fine weather. At 8 A.M. ran into a small bay in Tsusima, and anchored in five fathoms of water; cut wood on the shore for six hours. Some Japanese came on board and promised to bring us some wood, but did not do so.

15th. Got under way at 3 P.M., and steamed along the coast of Tsusima. At 8 P.M. went into another bay and anchored; crew employed in cutting wood on the shore; could not get any from the Japanese.

16th. At 1 P.M. got under way again with steam and sail; made good progress, and at 5 P.M. on the 17th dropped anchor in the harbour of Nagasaki; kept the pumps working when necessary during the voyage. The propeller of the "Monitor" being fixed on the shaft, we could not have proceeded on our voyage without a supply of coal or wood.

Inclosure 4 in No. 57.

Sir R. Alcock to Vice-Admiral Sir A. Kuper.

(Extract.)

Yokohama, July 19, 1864.

THE Prince of Choshu, it appears, sent to England last year five young men to be educated. Two of these have now returned after only a few months' residence there, moved, it would seem, by alarm for their Prince's safety in firing upon foreign ships. They desire very anxiously to reach him without delay, convinced, as they state, that he will be induced by what they can report from personal observation of the power and resources of Great Britain to desist from his hostile course of action.

I think such a chance of opening direct communication with Choshu, before either party is further committed to hostilities, should not be lost. It seems by no means impossible, if the youths succeed in reaching Yama-kuchi (where the Prince is now reported to be), that he may be induced to listen and make some overtures for peaceable relations. In that event, instead of fighting an enemy, we should make a friend and ally. In any case, I consider it worth while to make the attempt, and that we should not be justified if we allowed so favourable an opportunity to escape us. My colleagues share this conviction, and deem it most important that no time should be lost in forwarding these two self-elected Envoys of peace.

I have therefore to request that you will be pleased, if no insuperable obstacle exist, to send a steamer with the two youths and land them as near to the point of their destination as may be compatible with their wishes, and the safety of the vessel from the fire of batteries. It is of course very desirable to avoid any chance of hostilities on either side, while this attempt is being made to bring about direct communication and a peaceable solution of existing difficulties. At the same time, looking at the uncertainty of the issue, you will no doubt deem it expedient to profit by the opportunity of reconnoitering the position occupied by the Prince of Choshu in the Straits. Nor does there seem any political reason why this should not be done as effectively as the nature of the ground and other circumstance will admit. This should, if possible, be done from the water however. Landing anywhere, besides being attended with danger, is likely to give rise to collisions and questions with the central Government.

To facilitate the operations and enter into communication with the Prince of Choshu or other Japanese, I beg to place at your disposal Mr. Enslie and Mr. Satow, two of our most efficient interpreters, to accompany the ships you may send.

I presume, unless unforeseen contingencies should arise, the officer in command will be able to avoid all hostilities, even though a sudden opening may bring them for a moment within range of a battery and possibly expose them to a stray shot.

The youths to be landed seem to have some knowledge of the coast within the limits of the Prince's territories, and to think that their safest point of disembarkation would be at one of the islands of Kaminoseki, from whence by fishing-boat they could proceed to the mainland near Tomida. From that point to Yamakuchi, where the Prince is believed to be, they calculate there is a distance of nine ri, say twenty-five miles English. Altogether, from the time of leaving the ships, they calculate it will take three days and nights to reach their destination if they meet with no interruption.

As it is impossible, however, to doubt that many of the ronin class have congregated in Choshu's territories, who might make short work of any messengers of peace, something must be allowed for obstacles and causes of delay.

I would suggest, therefore, that if one of Her Majesty's ships could be in safety anywhere on the southern side, opposite to where the disembarkation takes place, and give the Prince from ten to twelve days time for communication, we must be content with this. If nothing should be heard from the youths or their Prince in that time, it may be fairly concluded either that they have been intercepted or have otherwise failed in their mission, and in that case nothing would be gained by further delay.

Inclosure 5 in No. 57.

*Vice-Admiral Sir A. Kuper to Sir R. Alcock.**"Euryalus," at Yokohama, July 21, 1864.*

Sir,

I HAVE the honour to acknowledge the receipt (last evening) of your despatch of the 19th instant.

In accordance with the wishes therein expressed, I have this morning detached the "Barrosa" and "Cormorant" with instructions to proceed to the western part of the Inland Sea, first to land the two Japanese youths by means of the "Cormorant" (which, being the smaller vessel, is less likely to create alarm), and then to remain at an anchorage in the vicinity of the Island of Hime-sima for the space of twelve days, for a reply from the Prince of Choshu or other communication from the Japanese, and at the expiration of that time to return to this port.

Captain Dowell has been furnished with instructions to use every precaution to avoid any chance of hostilities, and to prohibit those under his orders from landing on either coast.

The interval during which the ships may await the receipt of a communication from the Prince of Nagato will be employed in gaining such useful hydrographical and other information as may be within reach, and in affording Major Wray, Royal Engineers, every opportunity of ascertaining, as far as possible, the nature and strength of the various batteries and other fortifications erected in the Straits of Shimonoseki, and particularly whether the south side is fortified as well as the north, and to what extent.

I have, &c.

(Signed) AUGUSTUS L. KUPER.

Inclosure 6 in No. 57.

Memorandum of Sir R. Alcock, delivered to the Prince of Choshu's Officers, July 21, 1864.

THE hostile position taken by the Prince of Choshu is one which cannot be longer endured. He began by firing indiscriminately on flags of Treaty Powers, which were at peace with Japan. This was not only an outrage offered to those Powers, but a violation of the law of nations. Whoever refuses to respect this law, everywhere acknowledged by civilized nations, will be treated as an outlaw, and all will combine against him as a common enemy.

The Prince of Choshu, not content with this first commencement of hostilities on his own account, though disavowed by the Tycoon, has declared his purpose was to stop foreign trade, and to cause a rupture of Treaty relations. Those who resolve to take this course, and commit acts of aggression or violence, will have to defend themselves and their territories against the combined forces of Treaty Powers.

Neither the Prince of Choshu nor any party of hostile Daimios can hope, in the end, to succeed in such a conflict. The fleets and armies, and the resources of every kind, which any one of the Great Powers of the West can command, are immeasurably greater than those which the Daimio of Nagato, or all the Daimios of Japan, can dispose of. Against such unequal odds defeat is sure to follow, sooner or later.

This is, indeed, so certain, that it is only possible to account for the hostile and obstructive position taken up by the Prince of Choshu, on the supposition that he is misled by false information. If, instead of cutting himself off from all sources of reliable information as to the power, resources, and policy of foreign States, he would either open his ports or enter into direct communication with foreign Representatives, he and all his people would be saved much evil. Better informed on what concerns his own safety and the welfare of his country, he would doubtless change his conduct.

He has already, it appears, sent some of the more intelligent of his own people abroad to learn all things needful; to see with their own eyes, and bring him back true reports. This was a wise measure, and it is hoped that good fruit will be the result; and to further this object a safe and speedy passage back to Nagato, of two of these subjects of the Prince, has now been provided for by the British Admiral at their petition. This should at least prove to the Prince that on the part of Her Britannic Majesty's Representative there is no personal enmity or feelings of hostility; on the contrary, he desires, were it possible, to see better relations established without the necessity of appealing to arms. These two young men, he understands, have recently returned from England, and earnestly desire, as

loyal servants of the Prince, to present their reports before further mischief ensue from ignorance.

The following remarks are offered with the same object for the information of the Prince, and any of his brother Daimios who may be acting with him.

The Prince of Choshu, with certain other Daimios, eleven or more in number, are said to be hostile to foreigners. It is further reported that they seek the expulsion of all foreigners by force, and desire to revert to the old state of seclusion, denying all validity to existing Treaties.

But these Treaties exist; they have been solemnly accepted by the Tycoons of Japan as the supreme and only legal authority empowered by the usages of Japan to enter into relations with foreign Governments, or hold any intercourse with their Representatives; and whether the successive Tycoons may have exceeded their powers or not is entirely a question for the Japanese to settle among themselves. The Treaties entered into have now been in force during several years, and whatever may be the disputes in Japan, or the relative position or powers of the several authorities, Mikado, Tycoon, and Daimios, no foreign Power will allow such Treaties to be ignored or cancelled.

If the Treaties, as some Daimios contend, require the formal assent of the Mikado to make them legal and binding on the whole nation, let it be obtained, and if certain modifications are in their opinion imperatively required to put an end to the monopoly secured by the Tycoon, in his own interest exclusively, of all the trade, which he has carefully restricted to his own ports, let some direct means of communication be established with the foreign Representatives on the part of the Mikado and these Daimios. A good understanding might then be come to, and the end desired happily accomplished. Whereas a persistent attempt to expel foreigners from Japan, or even from Yokohama, instead of peaceful envoys, may bring armies to Kioto, as similar conduct led the armies of Great Britain and France victoriously to Peking not five years ago.

But some sovereign authority must be recognized, whether as vested in a Mikado, or a Tycoon, or a Gorogio, with whom national compacts can be made, and by whom formal Treaties can be duly executed. There cannot be twenty or a hundred petty Sovereigns and Princes in a country, with all of whom separate Treaties must be made, each to be valid only within the narrow limits of their own territories. This could only lead to confusion. Whether this sovereign authority be vested in one or many hands it is for the Japanese themselves to settle, and is a matter of perfect indifference to foreigners. There is no desire in Europe to interfere in such questions. Neither is there any wish to uphold the Tycoon as the rightful or sole possessor of sovereign power. Still less is there any desire to uphold the Tycoon in his present monopoly of trade, restricting it to his own ports and officials. On the contrary, this is directly opposed to the spirit and the object of all the Treaties. Foreign Powers desire to see all the Daimios who are lords of the soil, and the Japanese equally, who assist in its cultivation, participate in the advantages, the movement, and the profits of trade. Then all ill-will and distrust would soon disappear. A freer intercourse would greatly tend to remove prejudices, and prevent all such restrictions and monopolies as now exist by the Tycoon's policy, for the advantage of the few at the expense of the many. Foreign Powers only desire to see these removed. They have no wish for territorial possessions in Japan, and no desire to call in question the rights and privileges of the ruling classes, so long as their existence is compatible with intercourse and trade. They desire only to enter into peaceful relations, and for their subjects to trade without vexatious interruptions or molestation, within such limits and under such conditions as Treaties may provide.

If some change should be required, either in the existing form of government, or the exact wording and provisions of Treaties, in order to secure such a desirable end as peaceable and mutually profitable intercourse, the Treaty Powers are not likely to oppose any insuperable obstacle, if they are properly addressed. Nor, these ends secured, have they the slightest wish to interfere with the forms of government, the distribution of power, or the internal administration of the country.

But if any Daimio, or combination of hostile parties, should seek to make changes in the Government and Administration, as a means of destroying Treaties, and expelling foreigners; or begin hostilities with them, and the repudiation of Treaties, as a means of effecting either the destruction of the Tycoon, or other changes in the Government, in that case the Treaty Powers will treat them as common enemies, and combine their forces for their destruction.

On the other hand, they are ready to aid and support whoever may stand forward for the good of their country to maintain peace and order, recognizing existing Treaties as the basis of all future relations of amity and commerce with foreign Powers.

Inclosure 7 in No. 57.

Extracts of Reports from Messrs. Ensle and Satow.

THE political relations between the Daimio of Nagato and the present Government have undergone very little change during the last twelve months; and although Choshii has done his utmost to make his opposite neighbour Ogasawara Daizen no Daibu adopt his views, the latter still remains his political opponent, and, in fact, his secret enemy: in case of an emergency assistance and support cannot, therefore, be expected by the Daimio of Nagato from this quarter; and the close proximity of his neighbour's territories will probably prevent him from working his guns on the north-east side of the straits successfully.

On returning from our second expedition to the straits on the 6th instant, we were informed that the two Japanese entrusted with despatches for Nagato had returned; and proceeding on board of Her Majesty's ship "Barrosa" we soon became acquainted with the result of their mission.

Having left the "Barrosa" on the 26th of July, they proceeded to Yama-Ootchi, where they were admitted into the Daimio's presence, and delivered the despatches they had been entrusted with to him.

In reply to these documents they were directed to state that the hostile attitude of their lord was the result of orders received from the Mikado and the Tycoon, and that, acting under these circumstances, he was unable to change his policy. Being, however, perfectly aware of the strength of the European Powers, and that it would be useless to endeavour to thwart their designs or refuse compliance with their demands, he requested a delay of three months, during which time he would communicate with the Mikado, and endeavour to obtain the rescission of the present orders.

Some doubts being expressed by those present as to whence the orders to Choshii emanated, Captain Dowell desired the Japanese to inform him who had promulgated these mandates, to which they replied that they had been issued by the Tenshi (Mikado) and the Kubosama (Tycoon).

The two Japanese were then desired to present the despatches with which Choshii had doubtless entrusted them, and on replying that they had none, not even a receipt for the documents they had been charged to deliver to their Daimio, they were informed that, such being the case, their mission was perfectly useless. This appeared to surprise them, and they remarked their return alone was sufficient to prove that their intentions were honest, and that they were acting in good faith towards us. They also added that if a receipt for the despatches delivered to their Lord was required, they could procure it in three or four days.

To this Captain Dowell replied that they were perfectly at liberty to send the receipt or any other documents to Yokohama or Nagasaki, but that the men-of-war would leave for Yokohama the following morning.

(Signed) JAMES J. ENSLIE.

We were told at our rendezvous that there were no batteries at Kasato, where the two Japanese had at first desired to be landed; but before parting they gave me warning about batteries which they knew to exist on the Island of Kaminoseki at the eastern limit of Choshii's territories. When we got to Hime-sima we found that a boat could be procured to convey them across to Totomi, where they had finally decided to land. This place is on the coast between the Straits and Kasato, and from there to Yamaguchi, where the Prince was residing, it is only fifteen miles.

When they returned they had with them only a single retainer, but they said they had been accompanied as far as the coast by a guard of soldiers, given them by their Prince.

They commenced the delivery of the communication with which they were charged by saying that they had found their Prince at Yamaguchi, and had given the four letters to him themselves; that he had consulted on the subject with his chief retainers, and had come to the following conclusions:—That he perfectly acknowledged the truth of what was contained in the documents, and was conscious of his own inability to cope with the forces of Western nations. But he was acting on orders which he had received, once from the Tycoon, and oftener from the Mikado, and not on his own responsibility, in consequence of which he was unable to give the desired reply to the letters without having first received their permission to do so. For this purpose he intended to go up to Kioto and

impress his views on the Mikado, which he calculated would take about three months, and he begged that the foreign Powers would delay operations for that period.

They had no written documents with them, not even one to show that they were the accredited Agents of their Prince, but told us they would get that if the vessels could be delayed for two or three days. With regard to their having no answer in writing, they were asked if it was the custom in Japan not to answer such important letters as these from the great European Powers; to which they made answer that their Prince had not intended to write an answer until he sent a final one. They were told that such a communication as they had brought could not be expected to be satisfactory to the Representatives of the foreign Powers. They then asked whether they should send a written message of the same purport as the verbal one they brought, as well as copies of the orders of the Mikado and Tycoon, to Yokohama, and were told that their Prince might do as he liked about that. This was the substance of what passed.

I had a little conversation with them afterwards, in which they told me that their Daimio had been originally favourable to foreigners, but had gone too far now to retract, and that they did not believe the matter could be settled without war. They also suggested it as a good measure that the foreign Representatives should throw the Tycoon overboard, and going to Osaka, demand an interview with the Mikado's Ministers, and conclude a Treaty with him. They spoke with great bitterness of the Tycoon's Dynasty; that they kept all trade, not only foreign, but native also, to themselves by seizing all places where trade was likely to develop itself, as Nagasaki and Neegata; and they told me that these feelings were shared by most of the people of the country.

The way in which they delivered their message made me suspect that the original was couched in far more uncompromising terms than that which they communicated. They left about 2 o'clock in the morning of Sunday, so that I had no time for a lengthened conversation with them on any of these subjects.

(Signed)

ERNEST SATOW.

August 12, 1864.

Inclosure 8 in No. 57.

Memorandum delivered to Takemoto Kai no Kami, August 12, 1864.

THE sudden contact of different races or nations, and the establishment of new relations, whether political or commercial, between States long separated, must be productive of a certain admixture of evil with the good. But the proportion which the evil bears to the good is in a great degree dependent upon the measures taken by the rulers. If these be in accordance with Treaties, and conceived in a spirit of enmity, the good may be made so largely to preponderate as entirely to outweigh the evil effects, which will be only temporary at worst, and daily diminish in importance.

In the instance of Japan, so long kept in seclusion and isolated from all other nations, the evil effects of a sudden opening of the country have, it must be admitted, been considerable. But it can easily be demonstrated that this has been chiefly owing to prejudices springing from ignorance and wrong legislation, and above all to an erroneous policy on the part of the Japanese Government; a policy and a legislation both entirely at variance with Treaty engagements solemnly entered into by successive Tycoons, with all the chief Powers of the West. This ill-advised course has been rendered still more mischievous by a great deal of unreasoning hostility on the part of many Daimios and their adherents. These two sources of mischief and danger have been mutually re-acting on each other, until at this moment it is a question whether wiser counsels may suffice to prevent two of the greatest calamities which can befall a nation coming upon Japan at the same time—civil war, and a conflict with vastly superior forces from abroad.

Treaties were made guaranteeing the right of trade and residence at several ports and cities to the subjects of foreign Powers; and yet in face of these a law was left unrepealed which decreed the expulsion of foreigners. The continually recurring assassination of foreigners, and attacks on the Legations, were in perfect accord with such a system of legislation and bad faith. The Tycoon's Government instead of bringing the law of the land and the Treaties into harmony with each other, devoted all their efforts to delay the opening of ports, and remove the foreign Representatives from Yeddo. By delusive promises of greater security, and a better observance of Treaties in other respects, they succeeded in these efforts, and immediately after, apparently encouraged by such partial success, the Mikado issued a Decree for the expulsion of foreigners from Yokohama.

Again, the Tycoon's Government was bound by Treaty engagements to allow foreign

merchants at the Consular ports to trade freely, on payment of certain duties; to buy and to sell without any intervention or obstruction on the part of Japanese officials. The exact reverse of this has been the policy followed by the Japanese Government. The merchants have been only allowed to trade with those to whom the Japanese officials pleased to allow access. No produce has been permitted to come to any of the ports freely, or without a Government licence. The Tycoon has not only received the whole benefit of any Custom dues by restricting the trade to ports in his own territory, but his Government has still further secured a monopoly of all the trade. No Daimio or owner could bring in at his pleasure the produce of his soil, and sell it to the foreigner at his own price, without dictation, tax, or restriction. As a natural consequence, the hostility of this class has been developed. They saw the Tycoon's Government growing rich and powerful with the profits of a foreign trade in which they were either not allowed to participate at all, or only under such oppressive regulations as they were unwilling or unable to accept.

All free and friendly intercourse between foreigners and natives has been prevented by Japanese officials, acting ostensibly under the orders of the Tycoon's Government. Under a specious pretence of guarding them from danger, not even Representatives of foreign Powers have been allowed to hold any intercourse with the ruling and better-informed classes of Japanese. Thus distrust and misconceptions have originated and been perpetuated, and hostile feelings increased, by the means which the Tycoon's Government have taken. All possibility of coming to a better understanding with Daimios and others having influence have been effectually prevented.

And now that things have been brought to such a pass that trade is almost stopped; the passage of the Inland Sea obstructed by batteries; all friendly intercourse prevented; the abandonment of Yokohama required, and war, both civil and foreign, rendered all but inevitable, what does the Tycoon's Government propose? More restrictions and limitations of trade and territory, the relinquishment of a port, the hiding away of foreigners in a Decima at Nagasaki and Hakodadi, two insignificant ports at the extreme limits of the Empire, where no large intercourse or trade is possible!

Can the Tycoon or any of his Councils believe for a moment that all or any of the Great Powers of the Western world will voluntarily accept such conditions? Is it not time to assure both the Tycoon and his Councillors that the total exclusion of foreigners from Japan, or their restriction to one or two insignificant ports, are alike impossible? Surely the sooner this is known, and believed, from one end of the Japanese Empire to the other, the better it will be for all.

The policy hitherto initiated, and all the measures proposed, whether by the Mikado, the Councils of Daimios, or the Tycoon and his Council, are, in one word, impracticable. The attempt to enforce or otherwise persevere in them can lead only to one conclusion, which it should be the desire of every good patriot, whatever his country, to avert. They are impracticable because, as the Tycoon's Government know now, the Treaty Powers will not consent to such restrictions. They must, therefore, either be abandoned in exchange for some wiser measures, or they must be enforced; and that means war with Europe and America—with the most powerful Empires of the civilized world.

The Treaty Powers will not consent to a policy of restrictions and exclusion, apart from all question of Treaty rights and national dignity, not only because it is contrary to the best interests of commerce (though the trade with Japan is but a small fraction in the trade of the world—it is less than a quarter per cent. of the trade which Great Britain alone maintains with other States), but because it is a policy tending to perpetuate itself in wrong and mischief. Such measures are all in a wrong direction. The real interests of Japan, as of other countries, they believe to lie in an opposite course. Absolute seclusion of a whole nation in the present state of the world is a simple impossibility. And if there must be intercourse, it is the interest of all to oppose monopolies for the exclusive benefit of Governments or individuals. And any arbitrary restrictions on the free course of trade or intercourse between nations are inevitably productive of evils far greater than those they are meant to guard against.

Such, by almost universal consent, is the experience of the nations of the West. Many in the East think differently, as in Japan, and desire at all costs and hazard to enforce a system of semi-exclusion, limitations of domicile, restrictions on trade, and even on social intercourse and locomotion.

Something, perhaps, should be yielded by way of concession to extreme opinions on both sides, when national interests of grave importance are at stake. But neither party must push their pretensions so far that the other will prefer resistance and an appeal to arms rather than consent, or peace becomes impossible.

Is there any middle course of mutual consideration possible, then, under existing circumstances, between the Japanese and foreign nations?

This is the one question now to be considered; and on the answer to be given will depend, sooner or later, the issue of peace or war. What do foreign nations want with Japan? Peace and friendly intercourse between both Governments and people, and trade, so far as the mutual wants of any two nations may freely develop it; neither forced by compulsory measures, nor restricted and controlled by Government interference of any kind.

Is there anything in these demands, sanctioned and guaranteed by existing Treaties, which can be held inconsistent with the peace, security, and prosperity of the Japanese Empire? If not, it were surely an unwise thing in a Japanese Government to join forces with any faction of Daimios and their adherents who may be bent on involving the country in war by a vain effort to carry out a hostile policy. The Mikado's will, even, must have some limit in the conditions of execution. The Tycoon cannot be called upon to perform an impossibility; and the very attempt is interdicted by a true regard for the welfare of the Mikado and the country, if it is certain to take the armies of foreign Powers to Kioto, and bring all the calamities of defeat and a disastrous war on the country. Does the Mikado know that Great Britain alone twenty years ago defeated all the forces of the Empire of China, which spreads over half Asia nearly, and counts a population of some 400,000,000? that it is not four years ago since England and France united, marched in a two months' campaign to Peking, destroying all the fortifications and the armies which opposed their course between the coast and capital, and dictating a Treaty within its walls? Does the Mikado or his advisers fancy they can set at defiance all the armies and fleets of the West?

In lieu of this, would it not be easier and wiser to allow foreign trade to follow its natural course, without compulsion or restriction? Trade never yet, in the history of the world, impoverished a nation. It either ceases, if left to itself, unless profitable to both parties engaged, or, in developing, it largely increases the wealth and resources of the country where it takes root.

No doubt a sudden trade springing up, and creating a demand for one, two, or three articles of produce may lead to an equally sudden rise in prices; but such rise is the natural check to the further increase of demand. Either production is stimulated, and the prices fall by increased supply, or the demand ceases, because the foreign merchant, beyond a certain price, cannot get any profit from the transaction.

These are the natural checks to any disastrous and unlimited growth of trade. And it is the artificial dykes and arbitrary restrictions, the monopolies created, and the burdens imposed on trade by Governments, either for their own advantage or some other special purpose, that alone confines the advantages and profits of trade to narrow channels, instead of their being spread over large surfaces, and enriching the whole country, as a compensation for the temporary inconvenience of a rise of price in certain articles. The necessary effect of Government interference is to divert or prevent the natural flow of the benefits of commerce enriching a large surface, and to introduce an unnatural and artificial condition, whereby its channels are contracted, and the larger portion of the community is left to suffer, without any compensating benefit from increased prices, it may be even of the necessities of life, while all its advantages are reaped by a favoured few.

The profits of foreign trade, which during the past five years have been immense, have thus been damned up and absorbed at the Tycoon's ports by a few favoured classes. Had the Daimios in whose territories the silk, tea, cotton, oil, and vegetable wax in demand are grown, been allowed freely to participate in these profits, and allowed access without let or hindrance to the Consular ports, as by Treaty they ought to have been, it is believed little would have been heard of general discontent and the hostility of Daimios. The whole country would then have shared in the benefits inseparable from commercial activity. Daimios would have ceased to hoard their rice, to the great enhancement of its price to the poorer people, or sink their wealth in useless and unproductive batteries. The same money spent in feeding the springs of industry, and raising more produce for consumption, would have brought wealth and plenty, where it appears there is now only want and discontent.

Do not the Daimios themselves protest in their written declarations that their hostility to foreigners and their trade arises from the expenses which by such vicious legislation and unfounded fears the latter is made to entail upon them for fortifications, ships of war, &c.?

While it is not unusual for nations in time of peace to expend large sums of money on costly preparations for war, Japan is so situated as to be exempt from this necessity. No danger need be apprehended from any Eastern Powers. The agreement recently entered into by the four Treaty Powers to respect its integrity, of itself will remove danger, if any were really apprehended from the Western Powers. Besides it will be found

if a conflict is forced upon these Powers, that the entire resources of the country would prove insufficient to arm it so thoroughly as to be able to withstand them. The true policy of Japan is surely to use all surplus means to develop the resources of the country; by improving its avenues of communication, and augmenting its productions, instead of dissipating its wealth in needless armaments. Japan may rely with entire confidence in exemption from every war except such as may be provoked by itself.

Whence comes any danger from foreign Powers? Not from their ambition or lust for territory, but from their just anger at the infraction of Treaty rights; at the insecurity to life, and the want of good faith manifested in all the relations maintained with them. The four Powers which are now firmly united to resist such a policy, and insist if need be on a better observance of Treaty rights, and which alone have any force in these seas to give effect to their views—Great Britain, France, the United States of America, and the Netherlands—desire nothing of Japan to which the Japanese or any other nation could reasonably object:—unobstructed trade, and security to life and property, with a right of residence unmolested at certain cities and ports. The Representatives of these four Powers in their anxiety to guard against all possibility of territorial encroachment, even in the event of hostilities, have lately entered into a formal engagement on the part of their respective Governments, binding each other neither to accept nor to take any exclusive advantage, or to hold possession for that end of a portion of the Japanese soil.

But if foreign Powers are disposed to urge these rational views of a sound policy on the Tycoon, there are not wanting Daimios in Japan who take similar views. The Prince of Echizen has already placed on record very similar views, as one interested in the welfare of his country.

It is not only foreign Representatives, therefore, who see the wisdom of a complete change of policy on the part of the Tycoon's Government, and would urge upon them the necessity of adopting it without delay or hesitation. Instead of looking to more concessions of Treaty rights, which certainly will not be obtained, to further limitations of domicile and ports, increased restrictions and monopolies, with Government interferences of all kinds with the course of trade and the liberty of foreigners, if they will look for a better state of things in the opening of Japan more effectually, the removal of all restrictions on intercourse and trade, and cultivating only friendly relations with Treaty Powers who desire nothing better, and claim only such mutual interchange of good offices as shall tend to the permanent advantage of both, then there may be hope yet of some peaceful issue out of existing difficulties,

Freer intercourse and unrestricted trade will bring in their train improved feeling and better relations between foreigners and natives; whereas an opposite course gives at best but mere palliatives, which aggravate the original disease, and inevitably lead in the end to one of two results—total exclusion or a general war, which can end in no other way than by opening the entire Empire.

But there is one other remark to be made. This total exclusion of foreign Powers if attainable would be fatal to Japan. Subjugation by one, or to be made the prey of a swarm of adventurers and pirates from every region east and west, to plunder the coasts and prey upon native commerce, are the only two possible results which would follow the abandonment of Japan by the Treaty Powers. Even a civil war and internal struggles would be a lesser evil than either of these, and may be better accepted therefore.

Seeing what great evils menace this country by a persistence in a policy of repudiation and exclusion, no effort should be spared to arrive at some conclusion compatible with peace and the interests of all parties; one in which the Mikado, Tycoon, and the Daimios generally might concur, and willingly accept as a fair compromise between contending interests. The Tycoon might consent to the opening not only of the ports now closed, but of other ports in the territory of any Daimios desiring it and willing to accept the conditions of trade laid down in Treaties, and withdraw, moreover, all restrictions on the free entrance of produce into his own ports. All monopolies of trade and burdensome restrictions should be at once removed. A royalty or proportion of the Customs dues levied at every open port might be paid annually to the Mikado; the ancient law against foreigners being publicly repealed. The Treaty Powers, or at least those now acting in concert, in return for such acceptance of more cordial relations, to guarantee the neutrality of Japan, and thus secure the integrity of the empire against the future ambition of any one of their number.

If any Daimios or combination of them should persist in hostile agitations or obstructions to trade, such as the Prince of Choshu is at present guilty of, the co-operation of the foreign Powers to compel submission or remove the obstacles to be freely accepted, if the Tycoon could not himself dispose of a sufficient force at the moment.

Yeddo might be reserved as the residence of the Foreign Representatives, a fitting site and legations being provided; the city itself being ill adapted from its shallow roadstead to be a place of trade or a common resort for merchants.

Inclosure 9 in No. 57.

Minute of a Meeting held on board Her Majesty's ship "Euryalus," by the Commanding Officers of the Naval Forces at Yokohama, August 12, 1864.

"Euryalus," at Yokohama, August 12, 1864.

THE officers commanding the naval forces of the Treaty Powers at Yokohama having received the Memorandum of the Representatives, dated the 22nd July, 1864, met this day, on board the "Euryalus," and have taken into serious consideration the requisition to open the Straits of Shimonasaki.

From the information received from the Captain of the "Barrosa," and the officers sent with him, they are convinced that the Straits of Shimonasaki continue to be closed, and that they can be only opened by force. To attain this object, the commanding officers think that it would be necessary to take the greater portion of the troops now on shore at Yokohama; and they declare themselves ready to act in conformity with the programme of the policy set forth in the Memorandum.

Nevertheless, they cannot undertake to leave Yokohama until they have been relieved entirely by their respective Ministers from all responsibility with regard to the defence and security of the Settlement.

(Signed)

AUGUSTUS L. KUPER, *Vice-Admiral and Commander-in-chief of Her Britannic Majesty's Naval Forces.*

C. JAURES, *Rear-Admiral and Commander-in-chief of His Imperial Majesty's Naval Forces.*

CICERO PRICE, *Captain, United States' ship "James Town," Senior Officer of United States' Squadron in Japan.*

J. E. DE MAN, *Captain, His Netherlands Majesty's ship "Metalen Kraus," Senior Officer of His Netherlands Majesty's ships in Japan.*

Inclosure 10 in No. 57.

Sir R. Alcock to Vice-Admiral Sir A. Kuper.

(Extract.)

Yokohama, August 16, 1864.

I HAVE the honour to transmit, for your information and guidance, copy of a Memorandum, signed by myself and the Representatives of France, the United States of America, and the Netherlands, giving the result of a Conference held to take into consideration the Minute of the Commanding Officers of the respective naval forces assembled at Yokohama.

You will perceive that it is deemed of some importance, in a political point of view, that as little time as possible should be lost in commencing operations.

Before your departure I hope to be enabled to place some further information, of a confidential character, in your hands, respecting the Prince of Choshu's territories, the ulterior objects to be attained by his defeat, and the situation of his castle at Hangi, which, I have reason to believe, is very open to attack,—if such a measure should be found expedient for the more effectual humbling of a Daimio who has persisted, for more than twelve months, in acts of hostility, openly setting at defiance his own Sovereign and all the Treaty Powers combined.

Immunity to such a person in Japan implies internal disturbances, if not civil war, and the expulsion of foreigners by the hostile and anti-foreign faction, of which the Prince of Choshu is the head. By his position in the Straits, he is at the same time the most confident in his own resources, the most belligerent, and, in many respects, the hope and strength of his party.

I shall place at your disposal two gentlemen, Mr. Frederic Lowder and Mr. Satow, both on the Consular establishment, to act as interpreters, and to render any assistance you may require in your communications with the natives.

Memorandum.

THE Undersigned, Representatives of Treaty Powers, having met and taken into consideration the copy of a Minute showing the result of the deliberations of the commanding officers of the respective naval forces assembled at Yokohama, and signed on the 12th instant, have agreed as follows:—

1. To inform the commanding officers aforesaid that they are entirely relieved from all responsibility with regard to the defence and security of the Settlement.
2. To request them, in conformity with the programme of the policy set forth in the Memorandum of the Undersigned dated the 22nd of July last, to proceed with all convenient speed to open the Straits of Shimonasaki, destroying and disarming the batteries of the Prince of Choshu, and otherwise crippling him in all his means of attack; to inform them that the political situation renders it desirable that there should be no considerable delay in the commencement of operations.
3. In the possibility of the Prince of Choshu being intimidated by the imposing nature of the force brought against him, and not firing, to request the naval officers, notwithstanding, to destroy the batteries, and take such means as may be deemed practicable to secure a material guarantee against any future hostilities from the same quarter.
4. To request them to avoid entering into any negotiations with the Prince, reserving the solution of all ulterior questions to the action of the Tycoon's Government, in connection with the foreign Representatives.
5. To suggest that any demonstration of force in the vicinity of Osaka be avoided, as possibly giving rise to some new complications, and in order not to change the character of this expedition, which ought to be regarded no otherwise than as a chastisement to be inflicted on an outlaw or a pirate.
6. To request the commanding officers to secure the return to Yokohama of such part of the squadron as may not be required for the maintenance of a free passage, as soon as the operations here contemplated shall have been completed.

Signed this 15th day of August, 1864, at Yokohama.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary
in Japan.*

LEON ROCHES, *Ministre Plénipotentiaire de Sa
Majesté Impériale au Japon.*

ROBT. H. PRUYN, *Minister Resident of the United
States in Japan.*

D. DE GRAEFF VAN POLSBROEK, *Consul-General
and Political Agent of His Netherlands Majesty in
Japan.*

Inclosure 11 in No. 57.

Vice-Admiral Sir A. Kuper to Sir R. Alcock.

(Extract.)

"Euryalus," at Yokohama, August 17, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, transmitting copy of a Memorandum signed by yourself and the Representatives of France, the United States of America, and the Netherlands, giving the result of a Conference held to take into consideration the Minute of the commanding officers of the respective naval forces assembled at Yokohama.

In reply, I have the honour to inform that I have entered into arrangements with Rear-Admiral Jaurès and the Senior Officer of the Dutch naval force to leave this anchorage on Saturday the 20th instant, or as soon afterwards as the weather and other circumstances will permit, and to proceed to the Straits of Shimonasaki to carry out as far as possible the operations proposed by the Diplomatic Representatives.

Inclosure 12 in No. 57.

Minute of an Interview between the Representatives of Great Britain, the United States of America, and the Netherlands, on the one part, and Tachibana Idzumi no Kami, Member of the Second Council, Takemoto Kai no Kami, Plenipotentiary for Foreign Affairs, Tguchiya Buzen no Kami, Governor for Foreign Affairs, and Kurimoto Sehe, Ometské, on the other, at Yokohama, the 19th day of August, 1864.

THE above mentioned officials, foreign and Japanese, having assembled by previous concert, Her Britannic Majesty's Minister stated that M. Roches, the Minister of France, was prevented by indisposition from being present, but he had given full power to the British Minister to act for and represent him at the Conference, in witness of which a written authority in Japanese was produced.

Tachibana Idzumi no Kami stated that, on the 16th instant, a *note identique* having been received by the Ministers for Foreign Affairs from the Representatives of the four Powers, expressing a desire to see either some member of the Gorogio, or other high officer in the confidence of the Tycoon, to receive an important communication, he and the officers now with him had been delegated by the Gorogio for that purpose.

The British Minister, speaking in the name of his colleagues, as well as his own, stated that the communication they had to make, referred to the opening of the Straits of Shimonasaki. The answer of the Ministers of Foreign Affairs, dated 30th June, in reply to a *note identique* received from each of the Representatives on the 30th of the preceding month, was virtually a negation of important Treaty rights, which they were bound by their instructions to maintain intact.

The Gorogio fixed no definite time for the removal of the obstructions to our trade now existing, and which had existed some fifteen months.

There was nothing, indeed, in the answer of the Gorogio to give assurance that effective measures would be taken at any time.

Under these circumstances, the Representatives of the four Powers felt that they had no alternative but to call upon the senior naval officers and military officers commanding forces under their respective flags to take such steps as might be necessary to remove, without further delay, all obstructions to the free passage of the Straits.

They would, at the same time, be requested to adopt measures for the security of the foreign settlement at Yokohama. In doing this, however, the Representatives felt it necessary to warn the Gorogio that such measures would in no degree relieve the Government of the Tycoon of the whole responsibility of affording effective protection, and guarding both the settlement and the residents from danger or attack.

It was the more necessary they felt to insist upon this, because rumours had reached them of schemes for creating trouble, alarming the Japanese population, and otherwise incommoding or endangering foreigners, as soon as the fleet, now at anchor, should move. It was the duty of the foreign Representatives, therefore, to give notice that any such design, if carried into effect, would be considered an act of hostility, for which the whole nation would be held responsible, so that reprisals might follow at Yeddo, Osaka, and Kioto itself, should overt acts for the molestation of foreigners at any of the open ports be committed. The Gorogio would therefore see the urgent necessity for taking such measures as might be best adapted to prevent aggression from whatever quarter threatening—the necessity, in the interest of the Tycoon's Government and the country, no less than in that of foreigners, since in the present state of affairs they were all inseparably connected. It would be for the Gorogio to consider what steps should be taken to prevent disaffected persons spreading alarm among the Japanese, or causing them to abandon the settlement; and whether a proclamation on the part of the Gorogio or Governor of Kanagawa might not, among other things, be expedient.

Tachibana Idzumi no Kami replied that the Gorogio, while acknowledging the necessity of proceedings being taken against the Prince of Choshu, and the just cause the Treaty Powers had for action, were yet most anxious that no steps should be taken at present by any foreign Powers. Various causes had tended to interfere with and delay the adoption of measures to that end by the Tycoon; among others, the breaking out of disturbances in the provinces north of Yeddo, rendering necessary the despatch of large bodies of troops in that direction; but it was still the intention of the Tycoon's Government to take measures for the removal of the existing obstructions to the navigation of the Straits.

The American Minister inquired at what date the disturbances referred to, as interfering with the Tycoon's action, had broken out.

Tachibana Idzumi no Kami replied three months.

It was then observed by the British Minister that the foreign Representatives could not but consider this a very unsatisfactory reason for a delay which had already existed twelve months before the date referred to, and thought it gave little encouragement for hope that any greater vigour would be displayed hereafter.

Takemoto kai no Kami remarked that no doubt much delay had taken place, but still the Gorogio trusted the foreign Representatives would rely upon the action of the Tycoon's Government, and take no steps themselves to force the passage.

The Minister of the United States inquired whether it was true that among the measures taken by the Tycoon to bring about a more peaceable solution, the dispatch of envoys to the Prince of Choshu had been adopted, and that they had been murdered in his territories.

Tachibana Idzumi no Kami said it was true Envoys had been sent, and only their servants had returned.

The Japanese delegates were then informed that all which had now been urged on the part of the Gorogio against any decisive action should be duly weighed, and an answer conveying the final resolve of the four Representatives would very shortly be sent to Yeddo; and with this the Conference closed.

While the interview was taking place, news arrived of the return of the Japanese Envoys from France. It seemed to take the several officials very much by surprise, and they expressed the greatest incredulity, until assured again and again that there could be no doubt whatever of the fact, and that one of the interpreters of the Mission had been actually seen and spoken to by the American Minister.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary in
Japan.*

LEON ROCHES, *Ministre Plénipotentiaire de Sa
Majesté l'Empereur au Japon.*

ROBT. H. PRUYN, *Minister Resident of the United
States in Japan.*

D. DE GRAEFF VAN POLSBROEK, *Consul-Général
et Agent Politique de Sa Majesté le Roi des Pays Bas
au Japon.*

Inclosure 13 in No. 57.

Sir R. Alcock to Vice-Admiral Sir A. Kuper.

Sir,

Yokohama, August 20, 1864.

IN reference to the memorandum signed by the Representatives of Treaty Powers of the 15th instant, I have the honour to inclose copy of a memorandum of this date bearing the signatures of the same Representatives, by which you will see that the sudden return of the Japanese Mission and the Convention entered into by them with the Government of France, for the opening of the Straits within three months, for the moment precludes the contemplated action of the combined forces.

I have, &c.

(Signed)

RUTHERFORD ALCOCK.

Memorandum.

THE Undersigned Representatives of Treaty Powers, having in view the sudden return of the Japanese Mission from Europe, and the conclusion of a Convention at Paris before their departure with the Government of France, by which the Tycoon engages to open the Straits of Shimonasaki in three months after the date of the arrival of the said Envoys in Japan, have agreed and resolved:—

1. To suspend the operations contemplated in the memorandum of the 15th instant, until they can ascertain whether the Tycoon ratifies the said Convention (so far as it regards the Straits) signed by his Envoys, or not.

2. To communicate a copy of this memorandum to the commanding officers of the

respective naval forces assembled at Yokohama, and request them in accordance therewith to suspend all operations until further notice.

Signed this 20th day of August, 1864, at Yokohama.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary
in Japan.*

LEON ROCHES, *Ministre Plénipotentiaire de Sa
Majesté l'Empereur des Français au Japon.*

ROBT. H. PRUYN, *Minister Resident of the United
States in Japan.*

D. DE GRAEFF VAN POLSBROEK, *Consul-Général
et Agent Politique de Sa Majesté le Roi des Pays
Bas au Japon.*

Inclosure 14 in No. 57.

Vice-Admiral Sir A. Kuper to Sir R. Alcock.

Sir,

"Euryalus," Yokohama, August 20, 1864.

REFERRING to your letter of this date, with its inclosure, by which it appears that the Convention entered into by the Japanese Envoys recently returned from Europe with the Government of France for the opening of the Straits of Shimonasaki precludes for the present the contemplated action of the combined forces, I have the honour to inform you that I have accordingly countermanded the instructions and discontinued the preparations for the projected expedition.

I have, &c.

(Signed)

AUGUSTUS L. KUPER

Inclosure 15 in No. 57.

Sir R. Alcock to the Japanese Ministers for Foreign Affairs.

Yokohama, August 19, 1864.

HAVING learned that a Convention was entered into with the French Government on the 20th of June last, by the Envoys who have just returned from Europe, by which, on the part of the Tycoon, an engagement has been entered into to open the Straits of Shimonasaki within three months from this date, it is important that I should be informed without delay whether the Tycoon ratifies this Convention, and is prepared to execute its provisions in regard to the opening of the Straits. Upon the nature of the answer received must greatly depend the action of my colleagues and myself. I have to request an immediate reply; and I would suggest that some high officer, in the confidence of the Tycoon, should be at once despatched to confer with the foreign Representatives.

Should this proposition not be acceptable to the Gorogio I beg your Excellencies will name an early day—say Tuesday next, when I will proceed to Yeddo and see the members of the Gorogio in person.

With respect and consideration.

(Signed)

RUTHERFORD ALCOCK.

Inclosure 16 in No. 57.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE have fully understood your despatch dated the 19th instant, respecting the arrangement come to by our Envoys now returned from Europe, with the Government of France, in regard to the opening of the Straits of Shimonasaki.

As this Convention is of the greatest importance, we cannot come to a decision at once; but as we have also some opinion in regard thereto, it is our intention to despatch on the 23rd of August a Governor of Foreign Affairs, in order to communicate the result of our consultation to you on the above subject.

We therefore request your Excellency will well understand the above, as we shall communicate all the particulars at the time fixed.

We have to communicate this in answer.

With respect and consideration.

21st day of 7th month of 1st year of Gendzi (August 21, 1864).

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ABE BOONGO NO KAMI.

Inclosure 17 in No. 57.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE have received your despatch of the 19th of August, and have fully understood its contents. But if we were to act in accordance with the meaning of the Convention, it is certain that civil war would immediately break out, and the friendly intercourse between the two countries would be destroyed. We have communicated the above circumstances to the French Minister, and we have resolved to annul the Convention.

We wish, therefore, that you will bear this in mind.

This is our answer to your despatch.

With respect and consideration.

24th day of 7th month (August 25th).

(Signed)

MIDZOO IDZOOMI NO KAMI.

Inclosure 18 in No. 57.

Memorandum signed by Foreign Representatives relative to non-Ratification of Convention signed at Paris, June 20, 1864.

THE Undersigned Representatives of Treaty Powers, having met in Conference in order to communicate to each other reciprocally the several answers received from the Ministers of the Tycoon, relative to the Convention signed in Paris on the 20th of June last by his Excellency the Minister of Foreign Affairs and the Japanese Envoys:

The Representatives of Great Britain, the United States of America, and the Netherlands, state that in answer to the demand addressed by them respectively to the Ministers of Foreign Affairs at Yeddo, their Excellencies have declared officially, that it was impossible for the Tycoon's Government to give execution to the Article of the Convention relating to the opening of the Straits of Shimonasaki. His Excellency the Minister Plenipotentiary of France states, for the information of his colleagues, that notwithstanding his efforts to obtain from the Gorogio the ratification of the Convention of Paris, the Ministers of the Tycoon, while testifying their respect for the Government of His Imperial Majesty the Emperor, have declared the Tycoon to be quite unable, and therefore categorically refuse to ratify the Article of the Convention relative to his co-operation with France for the opening of the Straits of Shimonasaki.

Under these circumstances, putting aside any question relative to the consequences which the refusal of the Tycoon to ratify the Convention may have—questions in the competence of the Government of France alone to discuss—and considering that the said Convention, which had suspended the combined operations contemplated in their memorandum signed on the 22nd of July, and the note of the 15th August last, has not been ratified, and that it is consequently without effect:

Considering, further, that the Government of the Tycoon declares its inability, by its own efforts, to open the Straits of Shimonasaki, the Undersigned agree unanimously:—

1. To make known to the Commanding Officers of the respective naval forces at Yokohama the actual state of affairs, and to request they will consider as no longer in force the official communication made to them on the 20th instant, on the part of the Undersigned, calling upon them to suspend operations, but that they will, on the contrary, make the necessary arrangements to give effect, with as little delay as possible, to the programme of measures specified in the Memorandum of the 22nd of July last.

2. To request the said naval officers in command further to take into consideration the means of seizing some important position in or commanding the Straits of Shimonasaki, or otherwise in the vicinity, as they may judge most expedient or practicable, and of

holding such position as a guarantee until the Undersigned Representatives may obtain, in connection with the Government of the Tycoon, an indemnity from the Prince of Nagato to cover the expenses occasioned to their respective Governments by the expedition now to be dispatched against his batteries; and until possession can be given to the Tycoon, or authorities deputed by him, of the whole line of territory coasting the straits now appertaining to the said Prince of Nagato.

The Undersigned, moreover, deem it their duty to call the attention of the respective Senior Naval Officers to the possibility, as a result of their operations, of obtaining an open port for trade in or near the Straits of Shimonasaki; and to invite them, with this object in view, to furnish the Undersigned with such information as to the relative advantages, in a maritime point of view, of the town of Shimonasaki and other adjoining places as their opportunity of studying, on the spot, the capabilities of different ports may enable them to supply.

It is distinctly understood that the indemnities of which there is question herein are solely those resulting from the action, in common, of the Powers represented by the Undersigned, and that those do not in any way affect or prejudice the right of each Power ulteriorly to prosecute any claims it may see fit to make for separate grievances not arising out of such common action. The necessity of clearly defining, and keeping distinct the present action, in common, of the four Powers with combined forces, and any separate action which may subsequently be entered upon by one of their number, is distinctly recognized by the Undersigned.

Signed, this 25th day of August, 1864, at Yokohama.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary
in Japan.*

LEON ROCHES, *Ministre Plénipotentiaire de Sa
Majesté Impériale au Japon.*

ROBT. H. PRUYN, *Minister Resident of the United
States in Japan.*

D. DE GRAEFF VAN POLSBROEK, *Consul-Général
et Agent Politique de Sa Majesté le Roi des Pays
Bas au Japon.*

Inclosure 19 in No. 57.

Sir R. Alcock to Vice-Admiral Sir A. Kuper.

(Extract.)

Yokohama, August 25, 1864.

I HAVE the honour to inclose copy of a memorandum signed this day by my colleagues and myself, recording the result of a Conference to take into consideration the refusal of the Tycoon's Government to ratify the Convention of Paris, and its bearing on the actual situation.

Our unity of action having been restored by this refusal, we are in the same position as before the arrival of the mail bringing the Convention; and you will see that it has been unanimously agreed to request the commanding officers of the respective naval forces here, to proceed with as little delay as possible to the Straits of Shimonasaki as previously agreed upon, and give effect to the policy and the measures specified in our memorandum of the 22nd of July last. This request I have now therefore to make.

No. 58.

Sir R. Alcock to Earl Russell.—(Received October 26.)

(Extract.)

Yokohama, August 25, 1864.

SECRET reports during the two months past disclose a state of chronic disorder and incipient civil war in which the subordinate ranks of the armed classes are chiefly engaged, and in the highest places dissension so violent on the subject of foreign relations, as barely to stop short of actual conflict and hostilities within the precincts of the palace. One of the Mikado's party, a high officer, hotly opposed to foreigners, was slain in the streets at Kioto by the adherents of a Daimio on the other side, it is said of Satsuma. Envoys sent to the Prince of Choshu's territories by the Tycoon were murdered. An

attempt was subsequently made by this turbulent Daimio to obtain possession of the Mikado's person, intending to carry him off to his territories, apparently with the double object of securing indemnity for his acts of hostility against foreign Powers, and the deposition of the Tycoon in his own favour. Later still an attempt has been made on the Tycoon's life in Yeddo, and the Regent, together with the whole personnel of his Government, to the number of seventy, were suddenly dismissed to be replaced by others. Changes and the dismissal of Ministers are still, however, of almost daily occurrence, betraying divided councils, great perplexity, and a sense of insecurity. Bands of lonins infest the provinces, and recently have pushed their depredations into Yeddo, pillaging the powder magazines, and engaging the Tycoon's troops, as well as the military contingents of Daimios sent against them. On more than one occasion they have forced these to retreat with great loss, although the last accounts represent them to have been worsted.

A fixed resolve to effect the expulsion of foreigners from Yokohama, and a stoppage of their trade, by the old system pursued with the Dutch, prevails at the Court of the Mikado. A powerful confederation of Daimios exists for the declared purpose of supporting and carrying out this policy with all the means at their command, and the Tycoon with his tributary Daimios and adherents are menaced in their existence if they do not adopt it. The Tycoon's life and his power as virtual Sovereign are both plotted against. And latterly, pressed between two irreconcilable parties, each wielding superior forces to his own, the faction of Daimios acting in the name of the Mikado, the titular and only acknowledged Sovereign of the Empire, and foreign Powers claiming the execution of Treaties, the Tycoon and his councillors alike seem to have been distracted by contending fears, and bewildered with divergencies of opinion as to the course to be followed. The expulsion of foreigners, or the maintenance of Treaties, presented as the sole alternatives, each bringing their own danger, has been a cause of violent dissensions in the palace at Yeddo, and ended in the sudden dissolution of the Cabinet. The concentration of ships and troops here having latterly left no doubt that there were foreign Powers determined to maintain their Treaty rights, and one, at least, both able and willing to resist, by force of arms if necessary, any overt attempt to drive them and their trade from this port, has no doubt had much to do with this political crisis.

The Tycoon and his Council, pressed by reiterated commands from Kioto to expel the foreigners, and convinced, as they certainly are now, that the resolute attitude taken by myself and colleagues, and the material means collected for resistance, meant war, if any act of hostility were committed either by the Japanese Government or Daimios, have no doubt been sore perplexed as to what course might best be steered under such perilous conditions, with a Scylla and Charybdis visible on either hand.

On returning to Japan six months ago my first object in anticipation of this state of affairs was to bind together in unity of policy and action all the other Treaty Powers who had Diplomatic Representatives, and any material force on the spot to give effect to the resolution which might be taken. These are three, besides Great Britain, namely, France, the United States of America, and the Netherlands.

In this I succeeded entirely, and your Lordship would see satisfactory proof in the Memorandum bearing the signature of all my colleagues, of which the draft was transmitted in my despatch of the 25th of May.*

Since that date this accord has never for a moment been interrupted. The immediate end in view was the removal of the obstructions to the navigation of the Inland Sea created by the batteries of Choshu, to the interruption and injury of all foreign trade.

But ulterior objects of greater importance were contemplated, for the attainment of which the defeat of Choshu was itself but a means to an end.

A hostile combination of feudal nobles and semi-independent Princes having been organized under the sanction and authority of the Mikado, as their Suzerain, and their avowed object being the expulsion of foreigners from the country and the rupture of Treaty relations, it became necessary to consider how such hostile action was to be neutralized. The Prince of Choshu, in closing the Straits to trade, and firing indiscriminately on all foreign vessels, was merely carrying out the programme of his party, and taking the initial step in giving effect to a Decree of the Mikado's, ordering the expulsion of foreigners and the stoppage of their trade.

In this programme the second step proposed was, and is, the attack on the Settlement of Yokohama, if all other means fail to induce us to withdraw quietly. But as this involves the employment of a large force, and an act of hostility which the aggressive and anti-foreign party know by this time will inevitably bring war, and a coalition of

* Inclosure 1 in No. 44.

Western Powers against them, they still falter and pause before they cross the Rubicon. The conflict of opinion, in the meanwhile, among the contending factions, the "Sakō" and the "Kaiko" (the shutting and the opening port parties), between the adherents of the Mikado and those of the Tycoon, rages with intermittent violence. Poison, the lonin's sword, and the incendiary have all been freely employed, and nothing decisive has yet resulted. But it would be a very fatal illusion to suppose that therefore nothing determinate will ever come of these plottings and counter-plottings for our expulsion and the deposition of the present Tycoon. It is, above all, essential to bear constantly in mind that this internecine struggle is really for a transfer of political power and supremacy. Foreign relations and trade form but one of the elements of discord, and their interruption, with many at least, only a secondary object. The deposition of the Tycoon for the benefit of some other candidate (Mito, or Satsuma, or Choshii, for each is named)—the emancipation of the Daimio class from the Government and control of the Tycoon,—and the more or less complete restoration of the authority of the Mikado to the prejudice of the Tycoon, who is only *de jure* his Lieutenant, are so many real grounds of quarrel and motives for effort. The intrusion of foreigners on the sacred soil of Nipon, and the necessity for their final expulsion, can be considered as little more than an ostensible gage of battle between rival factions, willing to try their strength for the attainment of ulterior objects, far more eagerly desired than the return to a traditional policy of seclusion, which, with most of the actors, is but a means to some other, and less openly avowed, end.

In the meantime the expulsion of the foreigner supplies a convenient rallying-cry, and keeps together, for the moment, many conflicting elements, which enter into the "Sakō" party. The very existence of this party, however, with its cry, is a menace and source of permanent danger to all the foreign Settlements, to that of Yokohama especially; because it is against it, ostensibly, that their present efforts are directed. Decrees of the Mikado, gatherings of lonins, attempts on the life of the Tycoon, are all so many attacks against this place, and devised to affect our security. If Treaty Powers would maintain their rights and position in the country, therefore, it is essential that they should not allow their subjects to be driven out from hence.

Our attitude has for a long time been one of observation, and our wiser course patience. A change, however, has now become obviously expedient, if not altogether unavoidable. And my first care having been to ascertain the opinion of my colleagues, and to secure perfect unanimity, a Memorandum was drawn up and signed by all on the 22nd July,* to which I would for a moment draw your Lordship's attention. Passing in review the progress of events and the actual situation, the Representatives in Conference recognized the necessity of consolidating and strengthening their position by a cordial understanding, based upon identity of interests and entire unity of views, as well as of action. They determined accordingly to place on record in a formal document their perfect accord, and to establish certain principles to serve as the bases of future co-operation. To this end they framed, and embodied in the Protocol signed, five Articles; the 1st recognizing as the general basis of the policy to be followed, the neutralization of Japan, so far as the four Powers were concerned, and while awaiting the ratification of their respective Governments they engaged that this principle should prevail in the open ports.

In Article 4, serving as a corollary to the 1st, the Representatives agreed "neither to ask for nor to accept any concession of territory, nor any exclusive advantage whatsoever, either in the open ports or elsewhere in Japan." While in Article 5 they engaged equally to abstain from all interference with the internal affairs or administration of the country, and any intervention between rival factions.

A happy chance brought two of Choshii's subjects and retainers who had been sent for education to England back to Japan. They were introduced to me as anxious to return to their Prince, profoundly impressed with all that they had seen in England of the superior resources, power, and military means of Great Britain, and convinced that their master would change his policy could they only gain access to him.

Anxious to avoid the necessity, if possible, of proceeding to extremities with this feudal Chief, I induced Admiral Kuper, with the concurrence of my colleagues, to send these youths to the Prince of Choshii's dominions; all the more willingly that both the Admiral and I felt the necessity, before further committing ourselves or allies, of ascertaining by observation the nature and extent of the fortifications and obstructions raised by the Prince since the Straits had last been visited.

I was no less anxious, however, to give the Prince a last chance of retracing his steps,

* See Inclosure 3 in No. 55.

and putting aside his schemes of hostility. In this view each of the four Representatives sent with the two youths an informal kind of manifesto, or letter, in Japanese, and English or Dutch, the American and Netherlands Representatives signing their names, and addressing what they had to say direct to the Prince. Twenty days were given to this undertaking, and the result, so far as Choshii's attitude was concerned, amounted to nothing. He merely sent a verbal message (delivered with doubtful accuracy by his two young envoys) to the effect that he had acted under the joint orders of Mikado and Tycoon, but would see if in three months some alteration in them might not be obtained.

In the meantime news had been received of a new aggression on the part of Choshii in firing upon a small American vessel putting into his port of Hangi on the west coast, in distress for fuel and provisions. The act was accompanied by treachery, no warning having been given to quit the anchorage, and there is no doubt they did their best to sink her.

Nothing further remained to be done in this direction, therefore; and such being the unanimous opinion of the four Representatives, a Memorandum* was drawn up embodying certain resolutions, the object of which was to call upon the Senior Naval Officers to proceed to the Straits of Shimonasaki, and remove all obstacles to their free navigation.

While active preparations were going on, a communication was made by the Representatives to the Ministers of Foreign Affairs, to request that some high officer might be sent to receive an important communication from them. The day before that fixed for the departure of the squadron, accordingly, three officers were sent; and my colleagues joining me, they were informed that it was no longer possible to delay action against Choshii, who continued in his hostile attitude, and had, quite recently, committed an act in violation not only of Treaties, but the law of nations. They then urged certain reasons for further delay—as had been perfectly agreed beforehand they should—to which we replied by promising to give them due consideration, and send our reply in writing.

But even while the Conference was taking place the mail of the 27th of June arrived, bringing with it, most unexpectedly, the Japanese Envoys from Europe, and news that they had signed a Convention in Paris on the 20th of June, by which they engaged, on the part of the Tycoon, that the Straits should be opened, with the co-operation of the French if necessary, within three months from the date of their return.

The result of this Convention was to undo the work of so many months, to break up the combined action of the four Powers, and to isolate France from the other three.

It was otherwise calculated to have a very disastrous effect; for if the Tycoon ratified the Convention, it was clear he must accept a position of public antagonism to the Mikado and the powerful partisans of a policy hostile to foreigners, which hitherto it had been his main care to avoid, as calculated to insure his perdition by an order for his deposition from Kioto, if by no other means. The mere return of the Embassy defeated the only real object of sending them, which was to gain time for the Tycoon to find some less hazardous issue out of the difficulties by which he was beset, and was a new cause of alarm and danger. Bringing the peremptory refusal of France, and by implication that of all the other Treaty Powers, to enter into any negotiations for the closing of Yokohama the news was calculated to precipitate an outbreak of hostility against the Tycoon and foreigners alike, and bring on a political crisis.

The only alternative offering any chance of safety to the Tycoon lay in the repudiation of this Convention, and a refusal, on the ground of inability to carry it out, to ratify it. This course was taken, and communicated in an official letter of the Ministers of Foreign Affairs.

The non-ratification of the Convention brought affairs back to the same situation as the day before the mail arrived, as far as the power of combined action was concerned among the Representatives, though it could not prevent the damage to the Tycoon's position by the failure of his mission, and its return after only entering into a Convention so disgraceful to the Emperor in Japanese eyes, as conceding indemnities and consenting to accept the co-operation of naval forces to attack a Daimio.

Without a moment's hesitation, therefore, my colleagues and myself renewed our requisition on the Senior Naval Officers to proceed to the Straits of Shimonasaki, after agreeing to a memorandum recording certain resolutions more clearly defining the ulterior objects to be kept in view. These were, the retaining possession of the Straits, or some position commanding them, until negotiations could be concluded between the Representatives of the four Powers in concert and the Tycoon's Government, for the imperializa-

* Inclosure 19 in No. 57.

tion of the adjacent coasts, and the repayment of the costs of the expedition, as an indemnity to be exacted at the Prince of Choshu's expense, should this be approved by their respective Governments.

I trust that everything has been done which prudence and a knowledge of the political situation could suggest, to ensure a successful issue, not only to the expedition, but to our efforts generally for the establishment of the relations of Treaty Powers on a more beneficial and extended basis. The operations now contemplated have not been entered upon without serious consideration, and I hope your Lordship will concur with me in thinking for an adequate end.

No. 59.

Sir R. Alcock to Earl Russell.—(Received November 9.)

(Extract.)

Yokohama, September 7, 1864.

IN continuation of my despatch of the 25th ultimo, I have the honour to report the departure, on the 28th and 29th ultimo, of the combined forces of Great Britain, France, the United States of America, and the Netherlands, consisting of seventeen sail, carrying about 400 men of the Marine Battalion over and above the complement of the ships, for the Straits of Shimonasaki.

Some additional documents I find are required to complete the records of proceedings to the close of the antecedent period of deliberation, and these I have now the honour to forward.

The *note identique* sent by my colleagues, in concert with me, puts on record the resolution come to by the foreign Representatives, and the reasons given to the Tycoon's Government for declining any longer to defer taking action.

Before this letter was despatched Takemoto Kai no Kami was sent from Yeddo by the Tycoon to communicate to the foreign Representatives startling intelligence, which had just reached him from Kioto, that the Prince of Nagato had sent a large force to the capital of the Mikado on the 20th of August, apparently with the view of seizing on his person. An attack had been made on the palace-gates, during which a large part of the city was set on fire and burned down. After a fight lasting through great part of a night and day, the assailants were finally beaten off; but an urgent demand upon the Government of Yeddo had been received from the Mikado for large reinforcements. These the Tycoon was engaged in sending, although he was also pressed for troops to make head against the large bodies of ronins in the districts north of Yeddo.

Before the Treaty Powers had taken a step, therefore, towards the vindication of their rights in the Inland Sea, it is evident a civil war on a formidable scale had broken out, in which the first overt act of importance has been, this attack on the Mikado's Palace, and the destruction of half his capital.

It is important to remark, that trade had been seriously interrupted during the two months preceding the departure of the expedition. The supply of silk, which is the main staple, seemed to have been totally arrested. By whom, or to what causes this stoppage should be referred, no reliable information can be obtained. It may be due to some secret action of the Tycoon's Government forbidding the transmission of produce from the interior, as a peace-offering to the Mikado and Sako party. There is nothing improbable in this supposition, after the proposition Takemoto was charged to make me some weeks ago, as I reported, that it should be temporarily stopped in order to gain time to the Tycoon, and give him a claim to their consideration and forbearance.

On the other hand, the anti-foreign Daimios may be the active agents as a means of warfare, intending to starve and destroy our trade. The disturbed state of the country apart from any intentional interference, however, is enough by itself to account for much of this stagnation. It is also possible that the large export of silk during the last year or two may have exhausted any surplus supplies in the country, and that the price for native consumption exceeds anything the foreign merchant would be willing to offer. This is not the view taken here, however, by the merchants specially interested in the silk trade, like Mr. Jacquemot, whose letter on the subject, together with Mr. Consul Winchester's covering despatch, are herewith inclosed. The crop is reported to be good, and the prices ruling in the interior such as to allow an ample margin for profit to the native merchant, upon the prices which foreigners are ready to give.

The inclosed printed Returns and observations, cut out of the local papers, will give
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all the details, and to some degree the views of those most interested, on the spot. The result alone is clear—that trade in silk is for the present at an end; only 271 bales appearing on the Returns up to date against 2,869 at the same time last season. It is sufficiently remarkable, however, as showing that whatever the causes, they are not in operation against the whole trade of the port, but only particular articles; that in tea there is scarcely any falling off—the difference between the two seasons to same date being very insignificant, 1,067,464 lbs. against 1,119,496 lbs. last year. The same remark applies to cotton. There is a falling off, but not more than might be accounted for by any of the ordinary causes of fluctuation in trade. This season 5,579 bales have been shipped to date, and last year 6,309.

Inclosure 1 in No. 59.

Sir R. Alcock to the Japanese Ministers for Foreign Affairs.

August 29, 1864.

THE letter your Excellencies wrote on the 30th of June last, in answer to mine of the 30th of the preceding month, has been received and fully understood.

A letter of the same tenor and date having been received by each of my colleagues also, the Representatives of the four Powers met in Conference to deliberate on the purport of your answer, and the course to be adopted in consequence.

The Resolutions come to after a long and serious consideration due to the gravity of the situation, were communicated to the Vice-Minister and Governor of Foreign Affairs appearing on the part of the Gorogio, at our request, on the 19th instant.

Having fully weighed all that was urged by the aforesaid Delegates, it is now my duty to make known the result.

In the opinion of all the Representatives, the answer of your Excellencies of the 30th June is virtually a negation of important Treaty rights. Your Vice-Minister, while urging the postponement of the expedition, could not but admit that it was the duty of the Tycoon to chastise the Prince of Choshu, at the same time that he confessed no specific period could be fixed within which action would be taken. Nor could your delegates deny that there was justification in these circumstances for the course which the Representatives had finally resolved upon.

The reason urged on the part of the Tycoon for past delay, while insufficient to justify the inaction complained of, failed altogether in satisfying us that within any specific time, however remote, effective steps would be taken by the Tycoon. It was evident, therefore, to all that this Daimio would go entirely unpunished, unless the Treaty Powers themselves should take the matter in hand.

The foreign Representatives have accordingly, by common consent, called upon the senior Naval and Military officers, without further delay, to take the necessary steps to remove the obstructions now existing to the free passage of the Straits, and to prevent any similar interruptions to foreign trade in that locality.

As regards the retirement of foreigners from Yokohama, and the warning of danger if they remain, your Excellencies and the Gorogio now know that our respective Governments peremptorily refuse to entertain any proposition for the closing of the port. As to danger menacing the Settlement, or the lives of foreigners, it only remains, therefore, for myself and my colleagues to warn the Government of the Tycoon of the consequences of any attempt upon life or property pending the contemplated operations, when a large portion of the allied forces must necessarily be absent. This may be thought by lawless and ill-disposed parties a favourable opportunity for disturbing our tranquillity, if not for attack. But it is my duty to warn your Excellencies in time that any violence, or measures of intimidation or coercion tending to alarm or drive away the native population about us, or otherwise molest the residents and affect their security or trade, will be considered an act of hostility for which the whole nation shall be held responsible. And whoever the assailants may be, should any of these evils be experienced, steps will be taken to make this responsibility felt, by reprisals not only directed against Yeddo, but Osaka and Kioto.

We hope, therefore, in the interest of the Mikado and Tycoon, no less than of the whole country, peace will not be disturbed, either here or at any of the ports open to foreign trade.

With respect and consideration.

(Signed)

RUTHERFORD ALCOCK.

Inclosure 2 in No. 59.

Particulars regarding the Destruction of a large part of Kioto by the Prince Choshii's Retainers; List of Casualties, &c.

Verification of the Intelligence of the Destruction of great part of Kioto by Choshii's Army, and further particulars.

IN our daily issue of Wednesday last we reported the receipt of intelligence verifying the reports of great disturbances at Kioto. We are now able to give at length one of the numerous accounts which have reached this place describing the burning of that city by Choshii's army on the 20th ultimo, and a desperate attack upon the gate leading to the Mikado's palace. We inclose a rough plan showing the line of attack and extent of the destruction of the city. We are in the midst of a civil war, therefore, it will be seen, and such a war as the Guelphs and Ghibellines maintained for nearly 300 years and continued up to the end of the fifteenth century in the streets of Florence and of Rome.

First Intelligence of the Battle at Kioto, by an Overland Courier.

"Kioto, August 20, 1864.

"This morning at daybreak a battle has taken place between Aisoo and Choshii with artillery. All the streets from Jebisugawa, Tosai, Karasoomaroo to Tyamatsi, have been destroyed by fire. The inhabitants have left the town."

From Osaka.

"Kikawa Keumots, a Karo (Minister) of Choshii, has arrived here with 5,000 men, to advance upon Kioto. Reinforcements are following. They are advancing towards Tusimi. Great panic prevailing in Kioto."

Extract from a Private Letter from a Merchant in Kioto.

"This morning at daybreak, from the other side of Katsulagawa (a river), bands of people of a suspicious appearance were seen advancing, collecting together into a large mob; they attacked the west end of Kioto and committed violence, and advanced towards the palace of the Mikado, with the supposed intention of seizing or capturing the person of the Mikado. The guards got ready, and made preparations for the defence of the gates. Now a band of soldiers, supposed to belong to Choshii, opened fire with small and large guns, advancing at the same time to the number of 500 or more. A large fire was raging at the same time, and destroyed the houses from the west end of the town, advancing rapidly towards the Mikado's palace. The troops guarding Kioto belonging to Matsdaira Higo no Kami (Aisoo), (Aisoo is also called the Shigoshok, Commander-in-chief of Kioto), and Yodo (Inaba Tango no Kami, the present representative of the Tycoon in Kioto), as also the troops sent from Yeddo, guarded one side of the palace, which position was attacked by the soldiers of Choshii, and a serious engagement took place on that spot, as the great numbers were wounded and killed on both sides show. I have not arrived at the particulars of the fight, but shall send them afterwards. The Mikado is well protected; but as the fire is still raging the panic is great amongst the merchants and citizens."

Report of a Messenger of a Village near Kioto on the Tokaido.

"Before daybreak of the 20th instant the troops of Choshii assembled on the hill Tenno san (near Kioto), on the temple of Tin lin sin, and advanced suddenly towards the town of Kioto. A fight began with the guards of the Mikado's palace. On both sides big guns were continually firing. At 3 o'clock in the morning a column of smoke and fire was seen rising from the Choshii tastikas (residences of Choshii), in the Kawalamatso, and in Tusima, apparently set fire to inside. The fight near the Mikado's palace was in the meantime increasing. At midday the wounded and killed were lying about in heaps. The houses of the Mikado's officers, named Takatsukasa and Kusio, were burned. The streets were also set on fire on the west side. Teramatsi, on the east side Karasoomaroo, all burning at the same time. In the night of the 20th nearly the whole town was laid in ashes. On the 21st, the temples of Kiomisa and Kodaisi and Awada, Sisigatani, were fired upon with large guns and set on fire, which burned up to the castle called Nijio. The Mikado has been obliged to fly from the temple of Hijesan (five ri

from Kioto). The battle is still raging, whilst the empty plains of Kioto are filled with soldiers dressed in armour. The citizens have all left the ruins.

"This letter left on the 21st August, at 8 o'clock in the morning.

"Received in Yeddo at 8 o'clock on the 25th August.

P.S.—From Yeddo.

"Troops are going up daily to Kioto and passing the tokaido.

"Several hundreds of Choshu's men were turned back on the tokaido by Satsuma's men, sent from their Yeddo yasiki."

Report made to Stotsbachi.

August 21, 1864.

I have to inform you, with the greatest respect, that on the morning of the 20th August a disturbance of a serious nature took place in and outside the walls of Kioto. The streets on the east and west sides were burned down; besides, one street of the upper part, and seven streets of the lower part of the town were burned down. On the west side the fire spread up to the Kamogawa River, and on the east side up to the Horigawa River. More than half of the temples were destroyed by fire. Still now at noon (the 21st) the panic is very great, and the people alarmed.

Although I have not discovered the cause of the conflagration, I hasten to communicate what has happened.

With respect and consideration.

(Signed)

SHIMAE YA SAYE MON,

Chief of the Post in Ootsu.

Note.—This letter left Kioto on the 21st at 2 o'clock, and reached Yeddo at 8 o'clock of the 25th August.

Inclosure 3 in No. 59.

Mr. Jaquemot to Sir R. Alcock.

Sir,

Yokohama, September 6, 1864.

THE painful circumstances through which the trade of this place has been passing for some weeks emboldens me to address you, and to hope that you will not consider my remarks intrusive or untimely.

I beg leave in the first instance to inform you that since the 1st of July last (which period is taken as the opening of silk season) to this date, the exports of silk from this port have amounted to 537 bales only, against 4,096 at the same time last year. It is well to inform you that of those 537 bales, over one-half were brought down in the beginning of last month through the agents or under the flag of the Daimio of Satsuma; since that, not a single bale has been imported into Yokohama, nor can we have the remotest idea as to when the importation of silk will be resumed upon a regular footing. It were idle to relate the reasons given us by the native traders of so complete a stoppage of trade; admitting they are acquainted with the real facts of the case, they are probably not at liberty to tell them to us, and we must fain rest content with such excuses as we get, namely, that there is a great deal of trouble at Yeddo, or that the officers are unable to send the silk forward, or some such paltry explanation.

The fact of the matter is, that in spite of the most vigorous efforts made by the native as well as the foreign merchants, this valuable staple, silk, cannot be got at, which is, in my mind, perhaps the strongest evidence of the evil dispositions of the Japanese authorities toward the foreign merchants, notwithstanding their repeated assertions to the contrary.

The inaction to which the silk trade is forcibly reduced is the more to be deplored as the whole of the houses connected with it have received very extensive orders from Shanghai and Europe which remain unexecuted. The last three mails from home leave no doubt as to the European silk crop of 1864 having turned out much inferior to that of 1863. Under these circumstances, the European manufacturers look eagerly to supplies from China and Japan; but not to speak of the supply from China, which is foreign to my present purpose, we are disappointed here at every turn.

We know that this year's silk crop in Japan has been very good and abundant. We know that there has been for several weeks past a great quantity of silk at Yeddo, which has come there on its way to Yokohama from various parts of the country, according to

an established custom, and that not a single bale of that accumulated produce is allowed to be brought down to this place, for reasons best known to the Japanese Government.

We know that the Japanese traders are indignant at the obstacle thrown in the way of their business with the foreign merchants, and would be but too happy to accept the high prices which are offered to them for their produce if they were free to deal with us without let or hindrance.

We know, finally, that just at the time when our requirements are most urgent, we are entirely debarred from an abundant and invaluable supply, without the least reason being assigned for so arbitrary a fact, and to the greatest possible detriment of our trade.

The immediate consequence of the stoppage of the silk trade is an almost complete cessation of the business in imports.

The Japanese traders have brought, within the last month or two, a fair quantity of cotton and woollen manufactures, but cannot take delivery of them, owing to the scarcity of dollars in their hands, the value of the exports of tea and cotton being far from sufficient to fill up the deficiency in the circulating medium caused by the interruption of the silk trade.

Business generally at Yokohama is brought to a dead lock, and I need not insist upon the inconvenience and loss which must accrue to houses who have large and expensive establishments to maintain, or to the heavy disappointments of our constituents in China and Europe.

In common with the great majority of the English houses, I have borne hitherto with patience a state of things which may be ascribed in a great measure to the political disturbances in which this country is now involved. I am aware that you have, at the present moment, important affairs on your hands, which must engage much of your time, and would, therefore, have refrained from pressing individual claims upon your attention. But, feeling convinced that the circumstances through which this community is passing are pregnant with the most serious consequences, and thinking that a plain and faithful statement of facts, coming from one directly interested in the commerce of this place, might prove interesting to you, I have considered it my duty to bring the present state of affairs to your cognizance, leaving you to deal with it in such a manner as you think proper; and trusting, as I said above, that my remarks will not be deemed intrusive or untimely, I have, &c.

(Signed) J. M. JAQUEMOT.

Inclosure 4 in No. 59.

Consul Winchester to Sir R. Alcock.

Sir,

Kanagawa, September 7, 1864.

I HAVE the honour to forward a letter from Mr. J. M. Jaquemot, a naturalized British subject, and resident silk merchant, to your address, which was yesterday placed open in my hands.

Mr. Jaquemot, from special knowledge of the silk trade, is well entitled to be heard on all that concerns it. I have received from him on various occasions trustworthy and interesting information on the subject.

There can be no doubt that the striking deficiency shown by the figures of the present season up to date, as compared with similar periods of the two foregoing seasons, is owing to the restrictive action of the Japanese Government operating in two ways:—

1st. The wish of the Tycoon's Government to conciliate the anti-foreign party by pointing out the stoppage of the exportation of this important article.

2nd. The determination to levy a larger transit duty than the producers are willing to pay. I believe what took place in reference to the silk brought down by Satsuma to pay for the steamer "Stork" affords sufficient proof of this double restrictive action. 25,000 dollars were paid as bargain money on this vessel, under condition of forfeit if the remaining 50,000 dollars were not forthcoming at the appointed time, which rapidly approached and found the local agents without funds to meet the engagement.

After endeavouring to raise a loan from one of the European banks, which refused the accommodation, save on the endorsement of the Local Government, Messrs. Glover and Co.'s signature was accepted conditionally on Satsuma's agent producing a sufficient quantity of silk to cover the advance.

This was done in the manner stated by Mr. Jaquemot, after ten days' energetic representation of his master's necessities by the resident agent.

Considerable quantities of silk are believed to be accumulated at Yeddo; and it is reported, on what mercantile men esteem good authority, that the crop throughout the country is abundant.

I have never failed, during my interviews with the Governor, to call his attention to the unsatisfactory state of the trade in this most important staple.

I have received the usual evasive replies and indefinite promises of inquiry. I propose, however, the moment the uncertainty of the present critical period is over, to enter on a course of urgent remonstrance with the local authorities, and to seek your more effective aid in bringing pressure to bear upon the Government at Yeddo.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

Inclosure 5 in No. 59.

Extract from the "Commercial News" of August 17, 1864.

EXPORTS from the Port of Yokohama, from July 1, 1864.

SILK AND TEA.				COTTON.		
Date.	Vessels.	Silk.	Tea.	Date.	Vessel.	
		Bales.	Lbs.			Bales.
1864 ENGLAND.				1864 ENGLAND.		
June 9	Patricia	..	8,800	July 2	Natal	759
" 9	Merse	..	29,502	Aug. 16	Jane Isabella	1,313
July 2	Natal	8	24,267	" 16	Anna Maria	632
" 5	Yokohama	..	4,512			
August 2	Amoy	..	215,471			
" 16	Anna Maria	..	116,132			
	Total . . .	8	398,684		Total .. .	2,704
	Same time last season ..	279	380,681		Same time last season ..	2,477
AMERICA.				AMERICA.		
July 2	Ida D. Rodgers	..	132,810	None.		
" 8	Emily Banning	..	65,180			
August 15	Houqua	..	398,575			
	Total . . .	..	596,565		Same time last season ..	..
	Same time last season ..	23	150,531			
SHANGHAI.				SHANGHAI.		
June 14	Cadiz, steamer	..	9,918	None.		
July 13	Ganges, steamer	84	5,678			
" 27	Nepaul, steamer	86	6,320			
August 14	Cadiz, steamer	93	..			
	Total . . .	263	21,916		Same time last season ..	50
	Same time last season ..	2,567	388,912			
HONG KONG.				HONG KONG.		
June 8	Viola, steamer	..	1,000	July 8	Zwallow	654
August 2	Chanticleer, steamer	..	49,299	" 27	John and Mary	500
	Total . . .	..	50,299	Aug. 2	Chanticleer, steamer	781
	Same time last season ..	..	199,372	" 15	Blairmore	526
	Grand total .. .	271	1,067,464	" 16	Northern Crown	414
	Grand total same time last year .. .	2,869	1,119,496		Total . . .	2,875
					Same time last season ..	3,782
					Grand total .. .	5,579
					Grand total same time last year .. .	6,309

Market Report.

Kanagawa, August 17, 1864.

IMPORTS.

Silk—there are only 90 bales on the market.
 Tea—fine, 30 to 34 dollars; medium, 24 to 29 dollars; common, 19 to 23 dollars; ordinary, none offering.
 Raw cotton—fine 27 to 28 dollars per picul; fair supply; good quality scarce.
 Seaweed—fine green, 6 dollars; large, 4 dollars; small brown, 5 dollars; large, 2 dollars 80 cents.
 Copper—no supply and nothing doing.
 Fish oil—7 dollars per picul, nominal, small supply.
 Rapeseed oil—11 dollars 50 cents; small stock.

Tobacco—5 to 6 dollars 75 cents; not much done; supply almost of inferior quality.
 Peas—1 dollar 70 cents per picul.
 Fish—cuttle, 13 dollars 50 cents, scarce; shrimps, 1 dollars; sharkfins, 16 dollars; awabe and bicho de mar, none.
 Isinglass—28 dollars per picul.
 Wax—vegetable, 13 dollars 50 cents, nominal.
 Mushrooms—24 dollars per picul; no demand.
 Saltpetre—12 dollars 50 cents per picul.

Gallnuts—10 dollars per picul; good supply and in fair demand.

Camphor—nothing doing.

Rags—1 dollar, nominal.

Coal—5 dollars for 10 piculs; charcoal—12 dollars for 10 piculs.

Timber—planks, per 100 pieces, 19 dollars.

Beams—20 ft. long by 12 in. by 12 in., each 3. dollars 70 cents.

IMPORTS.

Shirtings—5½ catties, 5 dollars to 5 dollars 25 cents; 6 catties, 5 dollars 25 cents to 5 dollars 30 cents; 6½ catties, 5 dollars 50 cents to 5 dollars 75 cents, nominal; white, little enquiry; spots, 4 dollars 50 cents to 5 dollars 50 cents; assorted, 5 dollars 90 cents to 6 dollars; dyed, 5 dollars 75 cents to 6 dollars. T-cloths, 3 dollars 53 cents.

Camlets, S 23 dollars 50 cents to 23 dollars 75 cents; SS 22 dollars 50 cents to 22 dollars 75 cents; BBB 24 dollars 20 cents.

Chintz—Turkey red, 4 dollars to 4 dollars 20 cents; assorted, 2 dollars 75 cents to 3 dollars 50 cents.

Velvets—black, 35 yards 11 dollars 25 cents to 11 dollars 50 cents per piece.

Velveteens—unsaleable.

Broad cloth and Spanish stripes—no business done.

Damasks—6 dollars 25 cents to 6 dollars 50 cents.

Long ells—9 dollars 75 cents to 10 dollars.

Handkerchiefs—1 dollar 25 cents to 1 dollar 50 cents.

Cotton yarn—Nos. 16 to 24, 70 to 80 dollars; Nos. 28 to 32, 80 to 95 dollars; Nos. 38 to 42, 100 to 105 dollars per picul, nominal; no demand.

Ginghams—12 yards, 5 dollars 60 cents to 6 dollars 50 cents per piece.

Saffron—11 dollars to 11 dollars 50 cents per catty.

Betelnuts—no sales.

Quinine at 1 dollar 70 cents per ounce, nominal.

Quicksilver—70 dollars to 71 dollars 50 cents.

Semen cynae—22 dollars per picul, nominal; nothing doing.

Vermillion—53 dollars per box of 50 catties.

Sugar—unsaleable.

Taffachelass—Glasgow make, 4 dollars 25 cents; Swiss double warp, 4 dollars 90 cents.

Window glass—4 dollars to 4 dollars 25 cents per box; no sales.

Sapanwood—no sales.

Rattans—no sales.

Cloves—10 dollars 50 cents per picul, nominal.

Rhio gambier—4 dollars 25 cents to 4 dollars 60 cents per picul.

Rhubarb—18 to 19 dollars; no enquiry.

Buffalo hides—no sales.

Iron—nail rod, 3 dollars to 3 dollars 25 cents per picul, nominal.

Bar iron—3 dollars to 3 dollars 25 cents per picul, nominal.

Lead—6 dollars 50 cents per picul, nominal; unsaleable.

Spelter—5 dollars 25 cents to 5 dollars 50 cents per picul; little enquired for.

Tin plates—7 dollars 50 cents to 7 dollars 75 cents per box.

Tin—nothing doing.

Inclosure 6 in No. 59.

Extract from the "Japan Herald" of August 20, 1864.

EXPORTS from the Port of Kanagawa-Yokohama.

Exports of SILK since July 1, 1864.			Exports of TEA since June 1, 1864.			Export of COTTON since July 1, 1864.		
Date.	Ship's Name.	Bales averaged as 80 catties.	Date.	Ship's Name.	Lbs.	Date.	Ship's Name.	Bales.
To EUROPE.			To EUROPE.			To EUROPE.		
Total—			Total—			Total—		
1863-64 10,184			1863-64 2,137,299			1863-64 42,216		
Marseilles 1,205			1862-63 2,600,258			1862-63 1,036		
England 8,979			1861-62 2,185,455			1864-65—		
1862-63 6,862			1864-65—			Jane and Isabella 1,313		
1861-62 3,139			June 9 Patricia 9,548			Anna Maria 632		
1864-65—			" 9 Merse 23,160			Total—		
July 13	Ganges 64		" 30 Natal 24,267			1863-64 1,945		
" 7	Nepaul 86		July 5 Yokohama 4,516			Same time last year 2,477		
Aug. 14	Cadiz 43		Aug. 6 Amoy 204,007					
			Anna Maria 116,132					
		193						
	Total.—To England 120		Same time last year 380,681					
	Marseilles 73							
		193						
	Same time last year 279							
To SHANGHAI.			To SHANGHAI.			To SHANGHAI.		
Total—			Total—			Total—		
1863-64 5,362			1863-64 1,330,752			1863-64 1,664		
1862-63 17,740			1862-63 1,842,819			1862-63 502		
1861-62 8,596			1861-62 2,466,701			1863-64		
1864-65—			1864-65—			Same time last year 50		
July 13	Ganges 17		June 14 Cadiz 9,918					
Aug. 14	Cadiz 50		July 13 Ganges 5,678					
		67	" 27 Nepaul 6,320					
	Same time last year 3,124							
To HONG KONG.			To HONG KONG.			To HONG KONG.		
Total—			Total—			Total—		
1863-64 330			1863-64 300,598			1863-64 28,671		
1862-63 1,145			1862-63 180,801			1862-63 8,107		
1861-62 180			1861-62 906,029			1864-65—		
1864-65			1864-65—			Zwallow 654		
Same time last year			June 8 Viola 1,000			" 23 John and Mory 500		
			Aug. 4 Chanticleer 49,299			Aug. 4 Chanticleer 751		
			" 15 Houqua 398,575			" 13 Northern Crown 414		
						" 16 Blairmore 526		

Exports of SILK since July 1, 1864.			Exports of TEA since June 1, 1864.			Export of COTTON since July 1, 1864.		
Date.	Ship's Name.	Bales averaged as 80 catties.	Date.	Ship's Name.	Lbs.	Date.	Ship's Name.	Bales.
To AMERICA.			To AMERICA.			To AMERICA.		
Total—			Total—			Total—		
1863-64		55	1863-64			1863-64		342
1862-63		144	1862-63			1862-63		
1864-65			1861-62			1864-65		
Same time last year ...		23	July 2	1864-65—		Same time last year ...		
			" 8	Ida D. Rogers	132,801			
				Emily Banning	65,180			
					197,981			
				Same time last year ...	150,531			
Grand total—			Grand total—			Grand total—		
1863-64		15,931	1863-64		5,318,123	1863-64		72,893
1862-63		25,891	1862-63		5,796,388	1862-63		9,645
1861-62		11,915	1861-62		5,847,133	1864-65		4,820
1864-65		260	1864-65		1,050,397	Same time last year ...		6,309
Same time last year ...		3,426	Same time last year ...		1,034,545			

Market Report.

IMPORTS.

We may almost repeat our report of last week as to the condition of this branch of trade: the utter cessation of supplies of Silk rebounding in daily increasing effect, and preventing operation.

American drills	5 1/2 catty	5 10 to 5 20
Grey shirtings	6 1/2 "	5 50 5 60
" "		5 25 6 90
White "		5 20 5 30
" spots		5 75 5 90
Dyed spots		
T-cloths		
Turkey red shirtings		4 25 4 50
Brocades, white		5 50 5 75
" coloured		5 60 6 0
Chintz, assorted		2 50 4 0
Camlets, BBB, good colours		23 50 24 75
" assorted		24 25 24 50
" S, good assortment		22 25 24 0
" SS		21 0 23 50
" SSS, good assortment		19 50 22 50

Sales.

Camlet cords	7 0 to 8 0
Taffachelass	4 20 5 0
Lead	6 0 6 50
Iron, nail rod	3 50 4 0
Tin, block, unsaleable best	26 0 28 0
" plate	7 0 7 25
Spelter, no sales	6 0 6 55
Velvets, black	11 0 11 50
" assorted	9 0 10 0
Lastings	17 0 18 75
Long ells	8 0 9 0
" scarlet	
Yarn, 16 to 24, nominal	75 0 80 0
" 28 32	95 0 100 0
" 38 42	95 0 100 0
Rhubard, dull of sale	18 0 19 0
Quinine, per ounce	1 75
Saffron, per catty	13 0
Semen cyna, per picul.	21 0
Safflower, Chinese	90 0 95 0

EXPORTS.

Silk.

No change can be reported under this head. We have not heard of the arrival of a single bale to our market, though we hear still of stocks accumulating at Yeddo.

Ida, best	None.
" medium	"
" inferior	"
Sodi	"
Mybash, best parcels offering	"
" medium	"
Sinchu, inferior	"
Oshio, best parcels	"
" medium; none; nominal	"
" inferior	"
Coshu, best parcels	"
" medium; none; nominal	"
" inferior	"
Hatchogee, best, nominal	"
" very inferior	"
Mashta	"
Æchesan, nominal	"

Tea.

Business has been steady during the week and settlements to the extent of 1,820 piculs have been made at about our quotations given below. Stocks of fine tea are increasing, and stand thus:—

Stocks—	
Ordinary	None.
Good do.	"

Common	None.
Good do.	"
Medium	300 piculs.
Fine	3,000 "
Finest	None.

Quotations are as follows:—

Ordinary	No quotation.
Good do.	"
Common	"
Good common, nominal.. ..	14 0 to 22 0
Medium	23 0 27 0
Fine	28 0 31 0
Finest	None.

Cotton.

The quality still deteriorating. But very little business done, the supplies being very small. The demand is pretty active and prices have been well maintained.

Japanese raw cotton	26 25 to 27 50
Vegetable wax.	14 0 15 0
Bees' wax	no sales.
Rape seed	None.
Rape seed oil	" 6 50
Fish	—
Seaweed, cut	4 50 to 7 50
" uncut	2 50 4 0
Cuttlefish	12 50 16 0
Mushrooms	22 50 25 0
Isinglass	None.
Coir	4 0 to 4 50
Gallnuts	8 50 9 50

Dried shrimps	..	..	11	0 to 14	50	Saltpetre	..	..	..	..	None.
Camphor	..	..	24	0	28	0	Timber, planks, 12 ft. by 1 ft., per 100	}	17	0 to 20	
Fokling	..	..	3	0	4	0	planks			Nothing doing.	
Copper bolts	..	..	..	None.		Freight.—To Shanghai, per steamer, for silk	3½	dollar			
„ wire	..	..	26	0 to 28	0	per bale; measurement 5 dollars per ton.	To Hong				
Ginseng, per catty	..	..	1	50	2	50	Kong, per sailing vessel, 3 dollars per ton of 40 cubic				
Flour, per picul	..	..	2	0	2	40	feet; per steamer, 7 dollars.	To London, cotton and			
Coal, Japanese	..	..	..	—		—	tea, 3 <i>l.</i> to 3 <i>l.</i> 10 <i>s.</i> ; silk, 4 <i>l.</i> to 4 <i>l.</i> 10 <i>s.</i> per ton of 50				
Tobacco, per picul	..	..	3	50	6	80	cubic feet.				

EXCHANGE (at 12 M.)

London, Bank, 6 months, sterling 5 <i>s.</i> 1 <i>d.</i> , nominal.	Hong Kong, Bank, 10 days, 5½, nominal.
„ Private, 5 <i>s.</i> 1½ <i>d.</i> nominal.	„ Private, 15 days, sterling 6. nominal.
Shanghai, Bank, 10 days, sterling 75, nominal.	Pekin gold, per bar, 213½.
„ Private, 10 days, sterling 76, nominal.	Spanish dollars, nominal.

Inclosure 7 in No. 59.

Extracts from the "Japan Herald."

Yokohama, July 16, 1864.

IN our issue of the 25th ultimo, when taking a retrospective review of the silk season of 1863-64, we stated that everything in this country is mysterious or falsely represented, or purposely hid from our view.

We had hardly imagined that the correctness of our assertion would be so soon exemplified and demonstrated.

For the last day or two we have heard of a new hitch in the importation of silk from Yeddo. What the real impediment is we are, as yet, at a loss to tell. The new season's produce does not come down, although we hear that it has already accumulated to a pretty considerable extent in Yeddo, and that is all we know for certain.

Of course all our information in respect to trade is obtained through the Japanese merchants; hence a variety of reports which must be compared and carefully sifted before we can even draw near the truth. There is very little doubt that the native dealers are fully acquainted with the real state of things; but they dare not tell it to us openly, as they are afraid of committing themselves and drawing upon their devoted heads the punishments with which their authorities fail not to visit such revelations.

All our anxious inquiries with regard to the non-arrival of silk from the country have been met with ominous shakes of the head, and such replies as the following:—"There is a deal of trouble in Yeddo with the officers;" or, "The officers refuse to inspect the silk and to let it come down to Yokohama."

Now what all these replies mean is not precisely clear, but they are sufficient to show there must be a preconcerted plan laid down by somebody to prevent or restrict the operations between the native dealers and the foreigners.

All the silk coming from the interior of the country to Yokohama has to pass through Yeddo, and cannot be conveyed thence to this place without paying a heavy squeeze, and being accompanied with a permit. These regulations leave the native merchants entirely in the power of the Japanese authorities, who can at their pleasure either grant or withdraw their permit.

It is not our intention to present to try to discover whether there is any connection between this fresh attempt to hamper the trade of Yokohama, and the restriction which was imposed about this time last year upon the arrivals of silk from the country. The intention last year was to annoy us; it is obviously the same again this year.

Under such circumstances we feel called upon once more to draw the attention of our Ministers and Consuls to the repeated annoyances which the foreign merchants are made to suffer, as if they were carrying on their operations not under the stipulations of a Treaty which must be respected, but solely at the beck and will of the Japanese Government.

The Government official interference in trade (for whatever end it may be pursued) is not confined to this port. We often hear heavy complaints from Nagasaki on the same subject, and at Hakodadi the abuse prevails to a very considerable extent. There the Governor, who is himself rather a favourite among foreigners, appears to be led by his officials, who not having his responsibility, are said to advise him to the pursuit of the most illiberal policy towards foreigners; so that, although civil and apparently friendly, they would seem a the Northern Port, as elsewhere, entirely oblivious of the fact that our

Treaties convey to us some rights and privileges, and puffed up with the notion that all civilities are merely free favours of which we should be everlastingly proud and grateful. The whole of the trade of the port is conducted by a system of contracts ; very few if any of these can be made without the submission by the Japanese dealer of a considerable squeeze for "registering." A few silk contracts with neighbouring princes are reported to have been agreed upon ; owing to this interference, one, if not more, of them was totally broken, and others only partly fulfilled. The like interference prevails in respect to the sale of steamers. The "Meteor" was sold to the Governor of Hakodadi, Koide Meeno no Kami ; other proposed transactions in steamers have been successfully thwarted by the greedy drones in the Japanese hive. We hear that a Prince of the Province of Tsoogaroo (Etsjiu no Kami, we expect) had sent his officers to Hakodadi with 158,000 dollars for the purchase of steamers ; but the Governor, under the pretext that they had no right to go on a trial trip in a foreign vessel without his consent, which he would not give, spoilt the bargain with respect to the "London." A radical change in the officialdom of Hakodadi seems to be urgently required.

The provinces of Hidatchi, Schimotsuki, Shimosa and Musashi, are said to be in a most disordered condition in consequence of ravages and disorders committed by the Shaeshing-Cumi, a body of rebels or fanatic patriots, dating its start from the ancient college in Mito, which it is said has established its head-quarters upon the hills in the neighbourhood of the great River Bandotaro, and from whence they levy black-mail of money and men from the neighbouring smaller Daimios, and other inhabitants, with the professed purpose of organizing a formidable force to aid in any measures for the expulsion of foreigners.

Inclosure 8 in No. 59.

Extract from the "Japan Commercial News."

Kanagawa, August 17, 1864.

WE have received intelligence from a reliable source that the Japanese are still endeavouring to restrict trade with foreigners as much as they can. It was the custom until lately for small dealers to collect silk in the interior of the country and bring it to Yokohama for sale ; it is now reported that those petty dealers are no longer allowed to bring their few bales of silk to Yokohama, but must sell the same to Government brokers in Yeddo, at a fixed price. From nine to fifteen brokers or silk merchants have been appointed by the Government of the Tycoon for the purpose of receiving the silk at Yeddo.

Yokohama silk brokers and merchants, if they wish to purchase silk must do so from the said Government brokers or merchants at Yeddo, at their price, and without any reference to quantity or quality.

As there is a great scarcity of money in the hand of the native Kanagawa merchants, there is little prospect of silk being brought to this market unless foreigners send money to Yeddo, and purchase on those terms, taking all risk and responsibility on themselves for short weight, inferior quality, and the risk of sending large sums of money, as foreigners are not allowed to go to Yeddo, and we suppose Chinese are equally precluded from going there. If merchants are inclined to purchase silk on those unsatisfactory terms, will the Government of the Tycoon guarantee the safe delivery of treasury at Yeddo ? Would the Japanese Government, in the event of money being paid into their hands, guarantee, in the event of silk not being procurable, the repayment of the said money, or a guarantee that a fair equivalent value in silk is delivered at Yokohama ? Under these circumstances we are left entirely in the hands of the Japanese, and however trustworthy a person (Japanese) might be sent to Yeddo, he is liable to pressure being put on him by the Government officials.

Few of our mercantile community will, we are assured, be inclined to trade in silk on those terms. The object of the Japanese in so doing, it is said, is to lower the price of silk in the country, and prevent as much as they can foreigners from exporting, which, in the view we take of the matter is, that it is a virtual stoppage of the silk trade ; at the same time we learn that there are some 1,500 bales in store at Yeddo.

Inclosure 9 in No. 59.

Yokohama Trade Report, August 13, 1864.

WE are sorry to have to report our market to be in an unsatisfactory state, from the small quantities of produce brought forward; consequently the exports are on a very limited scale. The import market is almost stagnant, either from the want of funds amongst the Japanese merchants, or some interference on the part of the Government. To divine the cause is an utter impossibility; consequently our import quotations are merely nominal, few or no transactions have taken place.

Silk.—A lot of about 300 bales have been received during the last week. It is reported that most of those were brought to market under contract, price not stated. A small amount, about forty bales, were offered on the market, and were purchased, it is reported, at the rate of 550 dollars per picul. As far as our information goes we are informed that there is a stock in Yeddo of about 1,500, but can get no authentic information.

Tea.—There has been an increased supply received of a better quality, as the demand for the American market has ceased for the present, from the reported increase of duty in the United States and the unfavourable report from England. There are few purchasers in the market at present, consequently prices are on the decline to the extent of 3 to 4 dollars per picul.

Cotton.—The supply since our last has been fair and prices have ruled steady, and buyers rather holding back. Good qualities are scarce, and the price quoted is from 27 to 28 dollars.

Imports.—Full supplies from Europe and China having arrived in addition to the large stock on hand, and nearly a total stagnation of trade either from want of funds on the part of the Japanese or from the disturbed state of the country, we cannot satisfactorily explain; consequently, our import quotations are merely nominal.

No. 60.

The Secretary to the Admiralty to Mr. Hammond.—(Received November 21.)

Sir,

Admiralty, November 17, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Vice-Admiral Sir A. L. Kuper, dated the 15th September, 1864, with copies of its inclosures, detailing the successful operations in the Straits of Shimonasaki, Japan.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 60.

Vice-Admiral Sir A. Kuper to the Secretary to the Admiralty.

Sir,

"Euryalus," Straits of Shimonasaki, September 15, 1864.

I ACQUAINTED the Lords Commissioners of the Admiralty briefly in my letter of the 10th instant, with the successful result of the operations of the allied squadrons in the Straits of Shimonasaki, and I have now the honour of reporting, in detail, for their Lordships' information, the progress of events subsequently to the 29th ultimo, the day of our departure from Yokohama.

2. The "Perseus" having joined my flag in the entrance to the Boungo Channel, with a large collier in tow from Shanghae, and the "Coquette" arriving at the rendezvous on the 4th from Nagasaki, the force by which the operations were conducted, consisted of the undermentioned ships, viz. :—

British.—"Euryalus," "Tartar," "Conqueror," "Barrosa," "Leopard," "Argus," "Perseus," "Coquette," "Bouncer," and the battalion of Royal Marines.

French.—"Semiramis," screw, 35 guns, flag of Rear-Admiral Jaurès; "Dupleix," screw, 10 guns; "Tancrède," screw, 4 guns, despatch vessel.

Dutch.—"Metalen Kruis," screw, 16 guns, senior officer's ship; "D'Jambi," screw, 16 guns; "Amsterdam," paddle, 8 guns; "Medusa," screw, 18 guns.

And the United States' chartered steam-vessel "Takiang," with an officer, a party of men, and a gun of the United States' corvette "James Town."

3. The whole squadron having assembled at the Island of Himesima, in the inland sea (the appointed rendezvous), left that anchorage at 9 A.M. on the 4th instant, and steered for the entrance to the Straits of Shimonasaki, anchoring in the afternoon out of range of the batteries.

4. The accompanying tracing of the chart of the Straits will explain to their Lordships the position and strength of the batteries as described thereon by Major Wray, Royal Engineers; the batteries being referred to in this despatch by numbers corresponding with those on the plan.

5. Having, in company with Rear-Admiral Jaurès, reconnoitred the position of the batteries belonging to the Prince of Choshiu, it was arranged that the attack should be made on the 5th instant as soon as the tide served, and at 2 P.M. the signal was made for the ships to take up their positions.

As soon as this was accomplished the action was commenced from the bow gun of the "Euryalus," and the fire was smartly returned and kept up with much spirit by the Japanese batteries. At about 4.30 P.M. the fire from Nos. 4 and 5 batteries evidently slackened, and shortly afterwards ceased altogether; and by 5.30 batteries Nos. 6, 7, and 8 were also silenced. The day was now too far advanced to admit of the landing parties being disembarked, but the "Perseus" and the Dutch corvette "Medusa," being very close to battery No. 5, and, it being too dark to signalize for instructions, Commander A. J. Kingston, with Lieutenant F. J. Pitt, and a party of men from the "Perseus," followed by Captain de Casembroot and Lieutenant de Hart, of the "Medusa," gallantly landed, spiked most of the guns in that battery, and returned to their ships without casualties of any sort, thus rendering very valuable service.

6. The positions taken up by the allied squadron in this afternoon's engagement were as follows:—the advanced squadron, under the command of Captain J. M. Hayes, consisting of the "Tartar," "Dupleix," "Metalen Kruis," "Barrosa," "D'Jambi," and "Leopard," moved into the bay off the village of Tanoura, as shown on the plan, within easy range of batteries 3 to 9 inclusive, while the "Euryalus" and "Sémiramis" opened fire upon the same works: the light squadron, under Commander Kingston, consisting of the "Perseus," "Medusa," "Tancrède," "Coquette," and "Bouncer," were directed to take the batteries in flank; the "Argus" and "Amsterdam" being at first kept in reserve to render assistance to any ship that might be disabled or grounded, were afterwards ordered to close and engage; and the "Conqueror" having the battalion of Marines on board, was, in consequence of the difficult navigation, directed to approach only sufficiently near to admit of her Armstrong guns bearing on the nearest batteries. During this operation the "Conqueror" grounded twice on a knoll of sand, but came off again without assistance and without sustaining any damage. The "Takiang" also fired several shots from her one Parrot gun, doing good service. The "Coquette," towards the close of the engagement, was withdrawn from her position with the flanking squadron, and sent to assist the foremost of the advanced corvette squadron, a service which Commander A. G. R. Roe performed with great promptness.

7. At daylight on the 6th instant, No. 8 battery again opened fire upon the advanced squadron, doing some damage to the "Tartar" and "Dupleix;" but on the squadron returning the fire, the battery was soon silenced, and only an occasional straggling shot was fired from it afterwards. The arrangement for the disembarkation having been completed, the allied forces, composed of the small-arm companies of the "Euryalus" and "Conqueror," under the command of Captain J. H. J. Alexander, of the "Euryalus," the battalion of Marines and Marines of the squadron under that of Lieutenant-Colonel W. G. Suther, and detachments of 350 French and 200 Dutch seamen and Marines, the former under the command of Captain du Quilis and Lieutenant Layrle, Chef d'Etat-Major, and the latter under that of Lieutenant Binkis, were distributed in the boats of the squadron, and towed to the opposite shore by the "Argus," "Perseus," "Coquette," "Tancrède," "Amsterdam," "Medusa," and "Takiang;" the "Bouncer" assisting to cover the landing, which was effected without accident, under the able superintendence of Captain W. G. Luard, of the "Conqueror," assisted by Commander E. T. Nott, of that ship; and the force proceeded, under my personal directions, to assault and take possession of the principal batteries, which was accomplished with only trifling opposition. All the guns having been dismounted and spiked, carriages and platforms burnt, and

magazines blown up, and deeming it inexpedient, from the very rugged and almost impenetrable nature of the country, to retain possession of any post on shore during the night, I directed the whole force to re-embark at 4 P.M.

8. The French and Dutch detachments were already in their boats, when the Naval Brigade, stationed at battery No. 5, was suddenly attacked by a strong body of Japanese assembled in the valley in the rear of the battery. Colonel Suther's battalion of Marines coming up at this moment, a joint attack was immediately organized, and the enemy driven back upon a strongly placed stockaded barrack, from which they were dislodged after making a brief but sharp resistance, leaving seven small guns in our possession. I regret to say that Captain Alexander, whilst gallantly leading his men to the attack of the stockade, received a severe wound in the foot, and many other casualties also occurred in this attack. The whole force having then been ordered to embark, reached their ships without accident, notwithstanding the violence of the currents, which presents serious obstacles to any operations in these Straits.

9. During this day's action I noticed with great pleasure the coolness and gallantry of the Naval Brigade, under Captain Alexander, the excellent discipline, and steady bearing under fire, of the battalion of Marines under Colonel Suther, ably supported by Lieutenant-Colonels P. C. Penrose and C. W. Adair; and I observed with satisfaction the readiness with which the French and Dutch brigades occupied their assigned positions. It was, however, a source of regret to me that the embarkation of our allies prevented their taking part in the gallant affair at the enemy's stockade.

10. The "Perseus," whilst covering the landing on the morning of this day, was driven on shore by a strong eddy of the current, and, resisting all efforts to get her off, she remained fast until midnight of the following day (7th), when, having been considerably lightened, she was towed off under the judicious management of Commander John Moresby, of the "Argus" (paddle steam), and apparently without damage.

11. The batteries, from Nos. 1 to 8 inclusive, being now entirely in our possession, large working parties were landed early on the morning of the 7th, and commenced embarking the guns captured on the previous days; and during the afternoon the "Tartar," "Metalen Kruis," "D'Jambi," and "Dupleix," moved round to the westward of Mozi Saki Point, preparatory to an attack on batteries Nos. 9 and 10.

12. On the 8th instant, I shifted my flag to the "Coquette" (Admiral Jaurès accompanying me), and proceeded, in company with the four ships named in the last paragraph, then composing the advanced squadron, to open fire upon batteries Nos. 9 and 10. The fire not being returned, parties were shortly afterwards landed from the squadron to destroy the batteries and embark the guns, the whole of which was effected by the evening of the 10th, and all the guns are now on board the ships of the allied squadrons; the embarkation of the guns, consisting of sixty-two pieces of ordnance, of various sizes, a work of much labour and difficulty, was very efficiently performed, under the directions of the Captains of the allied squadrons. Captain William Dowell, of the "Barrosa," who had charge of the embarkation of one of the principal batteries, has brought to my notice the zealous assistance rendered by Lieutenants W. H. Cuming, of the "Barrosa," and R. E. Tracey, of the "Euryalus," and by Lieutenant Costa, of the "Sémiramis," which contributed largely to the success of the undertaking.

13. I forward, for their Lordships' favourable notice, copies of letters I have received from Captains Hayes and Alexander, Lieutenant-Colonel Suther, Commanders Moresby and Kingston, and the Surgeon of my flag-ship; and would beg leave to draw attention to the testimony borne by them respectively to the conduct of various officers and men whose duty was performed under their immediate directions, and in which I desire to assure their Lordships that I fully concur.

14. In addition to these reports it is my pleasing duty to record the high sense I entertain of the skill and gallantry displayed by the entire force under my command during the operations above described. Of the fire maintained by the "Tartar," in the conspicuous position I had assigned to Captain Hayes, as the Senior Captain, and of the gallant manner in which he was supported by Captain Franclieu, of the "Dupleix;" Captain de Man, of the "Metalen Kruis;" Captain W. M. Dowell, of the "Barrosa;" Captain Van Rees, of the "D'Jambi;" and Captain C. T. Leckie, of the "Leopard," I cannot speak too highly. I beg leave also to bring under their Lordships' notice the zeal and activity displayed by Captain W. G. Luard, of the "Conqueror;" Captain J. H. J. Alexander, of the "Euryalus;" Lieutenant-Colonel W. G. Suther, commanding Royal Marine Battalion; Commander John Moresby, of the "Argus;" Commander Augustus J. Kingston, of the "Perseus;" Commander E. T. Nott, of the "Conqueror;" Commander Jas. E. Hunter, of the "Euryalus;" Commander A. G. R. Roe, of the "Coquette;" Lieutenant H. L. Holder, commanding the "Bouncer;" and Lieutenant Rd. H. Harington,

of the "Euryalus," who succeeded to the command of the Naval Brigade on Captain Alexander being wounded; as well as Captain du Quilis, of the "Sémiramis;" Captain Müller, of the "Amsterdam;" Captain de Casembroot, of the "Medusa;" and Lieutenant Pallu, commanding the "Tancrede;" and I have to thank Lieutenant Pearson, of the United States' Navy, for the efficient assistance rendered by him in the chartered steam-vessel "Takiang," in towing boats, and subsequently consenting to receive on board the wounded men of the squadrons.

15. To the hearty co-operation and cordial goodwill displayed by Rear-Admiral Jaurès, during the preparations for and the progress of these operations, I am deeply indebted. I have endeavoured to express to that officer the satisfaction I have felt in having been associated with him in the conduct of this affair, and my appreciation of the good service rendered by the able and efficient force under the Rear-Admiral's command. I have also conveyed to Captain de Man, the Senior Officer of His Netherlands Majesty's ships, my thanks for the efficient co-operation and assistance of the squadron under his command, as well as to Lieutenant Pearson, of the United States' Navy, for the readiness with which he has sought to carry out my wishes on all occasions. Without the cheerfully-rendered and able support of these officers, and the perfectly good understanding which has prevailed throughout the allied squadron, the very rapid and brilliant successes that have attended our operations could scarcely have been secured without greater losses and considerable delay; and I trust that the satisfactory result will receive the approbation of their Lordships.

16. Much credit is due to the Masters of the squadron for the skilful manner in which the various ships were manœuvred amongst numerous difficulties, and particularly to Mr. George Williams, Master of my flag-ship, and Mr. John C. Solfleet, of the "Conqueror," whose zeal and intelligence have deserved my special notice; and the praiseworthy conduct of Mr. James G. Liddell, of the "Bouncer," the senior Second Master on the station, has been brought favourably before me by Lieutenant Holder, commanding that gun-boat.

17. Mr. D. L. Morgan, Surgeon of my flag-ship, has called my attention to efficient service rendered by the medical staff employed on shore under his directions, and to their devotion and attention to the wounded.

18. I should wish also to bring under their Lordships' favourable notice my Secretary, Mr. Hemsley H. Shanks, and Flag Lieutenant Robert P. Dennistoun, who accompanied me on shore and afloat throughout the operations, and rendered me valuable assistance.

19. To Major Wray, Royal Engineers, whose services have been placed at my disposal by the War Office, I am indebted for much useful information as to the nature and position of the batteries; and I have much pleasure in recording my sense of the energy and zeal displayed by this officer throughout the operations, and in the destruction of the batteries and magazines. Lieutenant Crowdy, Royal Engineers, who accompanied the expedition at my request, with the permission of Lieutenant-Colonel Browne, commanding Her Majesty's troops at Yokohama, also rendered valuable service with his men, both whilst attached to the Naval Brigade, and subsequently in the embarkation of the heavy guns.

20. Mr. I. P. Lowder and Mr. Ernest Satow, Interpreters, attached to the squadron by Sir Rutherford Alcock, have afforded me every assistance, and have been most zealous in the performance of their duties.

21. Since the conclusion of these operations, I have satisfied myself, by personal examination of the entire Straits, that no batteries remain in existence on the territory of the Prince of Choshu, and thus the passage of the Straits may be considered cleared of all obstructions.

22. On the 8th instant, whilst the demolition of the batteries and the embarkation of the guns were in progress, an Envoy of the Prince of Choshu came on board my flag-ship, under a flag of truce, charged, as he informed me, with instructions from the Prince to negotiate for a termination of hostilities. He produced documents said to have been written by command of the Prince of Choshu, and stated that no opposition would henceforth be offered to the free passage of the Straits. The Envoy also exhibited copies of letters to substantiate the statement, that, in the various acts of hostility towards foreign flags recently carried into effect, the Prince had acted under the direct authority of the Mikado and of the Tycoon.

23. Having conferred with Rear-Admiral Jaurès, who was present at the interview, it was determined that, to convince us of the sincerity of the Prince's desire for peace, it was indispensable that we should receive a written requisition, under his own hand, to that effect; and the Envoy having observed that an interval of two days would be required to

obtain the desired communication, a suspension of hostilities for that time was agreed upon, and the squadrons were immediately directed to hoist flags of truce. It was, however, stipulated that the armistice should not interfere with the work of embarking the guns from the batteries, then in progress, and it was accordingly proceeded with and completed, as previously described.

24. True to the time named, at noon on the 10th instant, the Chief Councillor of the Prince of Choshu (Mori Idzumo) came on board the "Euryalus," and placed before me a despatch from the Prince (identical despatches being also brought for the senior officers of the allied squadrons).

25. The very satisfactory character of the Prince's written communication, and its humble tone, afford, in the opinion of Rear-Admiral Jaurès and myself, reasonable grounds for the presumption that, apart from the brilliant success achieved in a military point of view, and the great extent of the injury inflicted upon the Prince of Choshu, his power and prestige (advantages of an important nature in a political sense) may very possibly result from the presence of the allied squadrons in these Straits. I have duly informed Sir Rutherford Alcock of these events, and have placed at his disposal the means of communicating with me here should he desire to do so.

26. A personal inspection of the Straits of Shimonasaki has convinced me of the inexpediency, with the means at present available, of holding any position, either on an island or on any portion of the mainland in the vicinity of the Straits. I do not, therefore, purpose carrying into effect that portion of the programme of the Diplomatic Representatives forwarded with my letter of the 28th ultimo. It is, however, my intention to maintain possession of the Straits by leaving here an English, a French, and a Dutch vessel of war, until the relations between the Tycoon's Government and those of the Treaty Powers, with regard to this portion of the territory of the Prince of Choshu, have been arranged on a satisfactory footing; the presence of the ships will, at the same time, afford a guarantee against the erection of batteries, which the Prince has engaged should not be again undertaken. I have subsequently had a further interview with the Envoys of the Prince of Choshu, who have agreed, on behalf of the Prince, to the terms proposed to them as the conditions of the cessation of hostilities, which will ensure the Straits remaining open for the future: the ratification of the Prince being now all that is required to complete the object for which the allied forces came to these Straits.

27. In conclusion, I have only to express my hope that the operations I have had the honour of describing, and the results obtained, may receive the approbation of their Lordships and of Her Majesty's Government.

I have, &c.
(Signed) AUGUSTUS L. KUPER.

Inclosure 2 in No. 60.

Captain Hayes to Vice-Admiral Sir A. Kuper.

Sir, "Tartar," Straits of Shimonasaki, September 9, 1864.
YOU having been pleased to entrust a division of the squadron, as per margin,* to my command, during the late hostilities in the Straits of Shimonasaki, and the operations having so far terminated with satisfactory results, I beg to report, for your information, the proceedings of the advanced squadron since noon of the 4th instant.

2. Having taken up the position directed by your General Order of the 3rd instant, the squadron under my orders was held in readiness for immediate action. On the first gun having been fired from your flag-ship, the batteries immediately opened on us with shot and shell, the first discharge striking the "Tartar" in several places.

3. The advanced squadron instantly replied to the fire of the batteries, but it would be needless for me to enter into a detailed account, as the whole engagement occurred under your immediate observation; still I cannot allow this opportunity to pass without bringing to your notice the valuable support I received from the able management and precision of the rifled guns of His Imperial Majesty's ship "Dupleix," which ship invariably replied to the guns which were striking the "Tartar," and showing an energy which reflected the highest credit on her commander.

4. The assistance rendered by His Netherlands Majesty's ships "Metalen Kruis" and "D'Jambi," and the preparations made by them beforehand, showed that they spared no trouble in preparing their ships for any emergency; their rifled guns also telling on the nearest fort.

* "Tartar," "Dupleix," "Metalen Kruis," "Barrosa," "D'Jambi," "Leopard."

5. I need hardly mention what pleasure I felt in finding that the Commander-in-chief had given to the advanced squadron the services of so valuable and experienced an officer as Captain Dowell of Her Majesty's ship "Barrosa;" the judicious and cool manner with which that ship was handled, and the precision of her fire, while replying to the enemy's guns, more particularly when directed on the "Tartar," was fully appreciated by myself and all on board.

6. At 5.25 A.M., on the morning of the 6th, the Long Battery again opened fire, and I am sorry to say, with unfortunate effect, the first discharge killing two and wounding several on board the "Dupleix," which vessel during the night had drifted between ourselves and the fort. She immediately slipped her cable and moved to her former position, when the "Tartar" again was instantly and repeatedly struck by the fire from the fort, dangerously wounded my first Lieutenant, Lieutenant W. A. de V. Brownlow, a valuable and steady officer, whose services I desire to bring under your favourable consideration. My second Lieutenant, Lieutenant C. B. Powell, immediately took his place, showing that cool aptitude for work which is so valuable in an officer.

7. Having been directed to take up an advanced position on the afternoon of the 7th, I anchored the ship for the night in the position pointed out by yourself, advancing the next morning while shelling the two last forts on Point Kibune to a position within 3,000 yards, when we again anchored, and from thence shelling the forts, which had the effect of making the enemy abandon them without firing a gun, probably in consequence of a barrack taking fire in the rear, near a magazine containing a large amount of powder and upwards of 700 or 800 shell which soon after exploded, also from feeling the impossibility of coping with guns of such superior power, and the moral effect produced by the fleet on the two previous days.

8. Throughout the whole of these proceedings, Mr. John E. Chapple, the master of the "Tartar," showed the greatest coolness and judgment in the pilotage of the ship.

9. The Prussian officer Mr. von Blanc, lately appointed to this ship, proved his skill and worth in several ways, and I consider him an intelligent and valuable officer, certain to do credit to any position in which he may be placed.

10. The remainder of the officers and ship's company conducted themselves throughout entirely to my satisfaction.

I have, &c.
(Signed) JNO. M. HAYES.

Inclosure 3 in No. 60.

Captain Alexander to Vice-Admiral Sir A. Kuper.

Sir,

"Euryalus," off Shimonasaki, September 10, 1864.

I HAVE the honour to state, in compliance with your directions to report as to the proceedings of the naval brigade landed under my command from Her Majesty's ships "Euryalus" and the "Conqueror," in the Straits of Shimonasaki, on the morning of the 6th instant, that, having formed on the beach in the order prescribed by you with reference to the other landing forces, the naval brigade ascended the heights immediately above a succession of small terraces to capture a one-gun battery at their summit, and, after reaching the crest of the boulder, descend its western side to overlook the heavy battery at its foot, and cover, if necessary, the flank of the combined column then advancing along the beach to the westward.

The one-gun battery was found to be deserted, the gun removed, the carriage ly remaining, which was immediately destroyed.

In crossing this battery the right flank became exposed to the enemy's riflemen, concealed in the dense bush on the opposite (east) side of the ravine.

The leading company immediately deployed in skirmishing order and returned their fire, while the column pushed on and gained the cover of the upper bluff, though not before the force had suffered the loss of three wounded.

On descending with much labour through the dense brushwood on the western side, a detachment of French sailors was found in occupation of the upper battery on the right-hand side of the valley.

The remainder of the force, excepting a company of Royal Marine Artillery (Lieutenant W. H. T. M. Dodgin, Royal Marine Artillery, in command), left to join my command, had continued its march westward.

Not conceiving the assistance of the brigade required by the main force, and as

immediately on arriving at the foot of the hill parties of the enemy had shown themselves at intervals between the trees on either side of the valley, and opened fire with field and mountain-pieces and musketry, which they withdrew out of sight towards the head of the valley whenever my men advanced, I determined to hold the batteries on either side of the valley and occupy the men in dismounting the guns, destroying the carriages, and exploding the magazines, &c.; after which, if not required to join the remainder of the force, I intended attacking the enemy's stockade at the head of the valley and capturing his guns.

The former part of my intention was carried out, and the men had had half an hour for such dinner as they could get, when I received intelligence that the main body was returning, at the same time an order from yourself to embark, in accordance with which the Royal Marine Artillery Company had shoved off, when about half-past 3 I received your orders to retain possession of the batteries, the "Perseus" being aground beneath that to the eastward.

I now considered it more than ever advisable to dislodge the enemy at the end of the valley, and the head of the Marine column appearing at this minute I sent a request to Lieutenant-Colonel Suther to co-operate for that object, to which he agreed, selecting the right side of the valley for his attack.

The naval brigade, in order to take the left, instantly but with some difficulty crossed by the ridges between the rice fields, and on reaching the narrow roadway on the left of the valley commenced ascending it at the double.

The enemy had already commenced firing, but on observing from this, and the approach of the marines, our intention was to attack, his fire became extremely hot. Our men continued at the double and returned it with steadiness and visible effect, and when distant about 200 yards, with a loud cheer from all, the leading company rushed on, the succeeding company, whilst still advancing, returning the enemy's fire, which he continued from the parapet of the moat and top of an eight-foot wall, backing the front side of the palisade, till the leading men were within fifty yards, when he threw down his arms and ran in all directions.

I regret to state that at this moment, a musket-shot through the ankle-joint of the right foot totally incapacitated me from proceeding, and on a stretcher arriving I was carried to the rear, leaving the brigade under the orders of Lieutenant Harington.

I have also to regret that this operation was not effected without a severe loss, viz., 7 killed and 26 wounded in the Naval Brigade; but I trust its successful termination, and the moral as well as physical effect of the reverse inflicted on the enemy may justify, in your opinion, its undertaking.

It gives me much pleasure to bring to your favourable notice the marked merit displayed in the following instances:—

1st. Mr. D. G. Boyes, Midshipman of the "Euryalus," who carried a colour with the leading company, kept it with headlong gallantry in advance of all, in face of the thickest fire, his colour serjeants having fallen, one mortally, the other dangerously wounded, and was only detained from proceeding yet further by the orders of his superior officer. The colour he carried was six times pierced by musket balls.

2nd. Lieutenant Frederick Edwards, commanding the 3rd company, has called my attention to the intelligence and daring exhibited by William Seeley, ordinary seaman, in ascertaining the enemy's position, and afterwards, when wounded in the arm in the advance, continued to retain his position in the front.

Lieutenant R. E. Tracey, rendered me most valuable assistance throughout, and when disabled myself, conducted the advance with great gallantry and ability.

Lieutenant Edwards' company, which was in advance, was most gallantly led by him.

Lieutenant Harington's company efficiently supported him.

Lieutenant Alfred Jephson's company, through my mistake only, in giving him the wrong route, did not arrive as soon as no doubt it otherwise would have done.

The "Conqueror's" companies followed in support of Lieutenant Harington's, and officers and men showed zeal and alacrity, and far more steadiness than could be expected from men together for so short a time, and under their circumstances.

The medical officers, Messrs. E. A. Birch, Samuel McBean, and J. T. Comerford, Assistant Surgeons, were exceedingly prompt and constant in their attention to the wounded.

Mr. Rt. N. Haly, Clerk, accompanied me throughout the day, and Messrs. Henry H. Dyke and E. P. Hume, midshipmen, acted as my aides-de-camp.

Lieutenant Crowdy, Royal Engineers, with four of the Royal Engineer Corps, and having also under his directions the Pioneers of the Naval Brigade, afforded active and

useful assistance in exploding magazines, destroying gun-carriages, &c.; at the same time they were very ready with their rifles.

Mr. Satow, of Her Majesty's Legation, Yokohama, accompanied me on all occasions and in the thickest fire, to act as interpreter if required.

In conclusion, the whole force, combatants and non-combatants, during this long hot day, with exceedingly hard work, and under very trying circumstances, behaved in such a manner as to merit the highest praise; officers and men universally exhibiting gallantry, zeal, energy, and steadiness, their only fault being at times a too reckless exposure of themselves, unwarranted by necessity; and all that their conduct leaves for me to hope is, that I may ever be fortunate enough to have the honour to command such on similar occasions.

I have, &c.

(Signed) J. H. J. ALEXANDER.

Inclosure 4 in No. 60.

Lieutenant-Colonel Suther, R.M., to Vice-Admiral Sir A. Kuiper.

Sir,

"Conqueror," Straits of Shimonasaki, September 7, 1864.

IN compliance with your orders I was yesterday disembarked at 8 o'clock A.M., and placed in command of the brigade landed for the demolition of the enemy's batteries.

As soon as the force had been formed, the battalion of English sailors, under the command of Captain Alexander, mounted the heights for the purpose of destroying a three-gun battery, situate about 100 feet above the beach; and, with the rest of the brigade, viz., a battalion of French sailors, two battalions of Royal Marines (the first under the command of Lieutenant-Colonel Penrose, and the second of Lieutenant-Colonel Adair), a detachment of Royal Engineers, under the command of Major Wray, and a battalion of Dutch soldiers and sailors, I marched along the line of batteries, and under your personal observation dismounted the guns, burnt the carriages, and blew up the magazines.

On returning from this duty, and after the French and Dutch portion of the brigade had re-embarked, the enemy opened fire upon us from a three-gun stockaded barrack building, situated in a ravine not easily approachable, and very ill-suited to military manœuvring.

I directed the two battalions of Royal Marines to storm the building upon its right approach, whilst the battalion of sailors stormed upon its left; after a sharp resistance the enemy fled from his position.

Having spiked the guns and set fire to the buildings, I ordered the brigade to return to the place of embarkation.

In the execution of this duty I very much regret that several casualties occurred.

Captain Alexander, while gallantly leading his battalion, was severely wounded and carried to the rear; so also were Captain N. W. De Courcy and Lieutenant J. W. Inglis, of the Royal Marines.

Where all performed their duties well, it is difficult to individualize; but I feel it incumbent on me to mention the high bearing of the commanding officers of battalions, Lieutenant-Colonel Penrose, Royal Marines, Lieutenant-Colonel C. W. Adair, Royal Marines, and Captain J. H. J. Alexander, Royal Navy; to those officers I am greatly indebted for their zeal and gallantry.

The Senior Captain of Royal Marines, Captain N. W. de Courcy, who was severely wounded when at the head of his company, holding a difficult position near the stockade, Captain and Brevet-Major Ambrose Wolrige, Acting Brigade-Major, and First Lieutenant J. C. Hore, my orderly officer, I am bound to bring particularly to notice for their zeal and intelligence.

The Medical Staff of Royal Marines, under Dr. C. K. Ord, were most active and prompt in their attendance to the wounded.

I beg also to state that I received much assistance, when in the stockaded barrack building, from Lieutenant R. E. Tracey, Royal Navy, who carried out some orders it was necessary for me to give in a zealous and efficient manner.

I have, &c.

(Signed) W. G. SUTHER

The Secretary to the Admiralty to Mr. Hammond.—(Received November 17.)

Sir,

Admiralty, November 16, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 16th September from Vice-Admiral Sir A. L. Kuper, and also copies of its inclosures, relative to the termination of the operations in the Straits of Shimonasaki.

My Lords desire to express to Earl Russell the gratification with which they have received from Sir A. Kuper the report of the cordial good feeling which has prevailed throughout these operations, between all the officers and men of the allied forces, and which contributed so greatly to their speedy and entire success.

My Lords request that their acknowledgments may be conveyed to Rear-Admiral Jaurès, the French Commander-in-chief in China, to Captain de Man, the Senior Dutch Naval Officer, and to Lieutenant Pearson, detached from the United States' corvette "Jamestown."

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure 1 in No. 61.

Vice-Admiral Sir A. Kuper to the Secretary to the Admiralty.

Sir,

"Euryalus," Straits of Shimonasaki, September 16, 1864.

REFERRING to the fifteenth paragraph of my letter of yesterday's date, I have the honour to inclose for the information of the Lords Commissioners of the Admiralty, copies of letters I addressed to Rear-Admiral Jaurès, Captain de Man, the Senior Dutch Naval Officer, and Lieutenant Pearson of the United States' navy, with copies of replies which I have received from the two first-named officers.

I have, &c.

(Signed) AUGUSTUS L. KUPER.

Inclosure 2 in No. 61.

Vice-Admiral Sir A. Kuper to Rear-Admiral Jaurès.

Sir,

"Euryalus," Straits of Shimonasaki, September 11, 1864.

WHILST congratulating you on the perfect success which has attended our joint operations in the Straits of Shimonasaki, I beg you will permit me to express to yourself, personally, my best thanks for your hearty co-operation and the cordial goodwill you have invariably displayed by which so many difficulties have been overcome; and I request you will have the goodness to convey to the captains, officers, and ships' companies of His Imperial Majesty's ships under your command, the expression of my high appreciation of the energy, zeal, and gallantry which they have displayed throughout the progress of recent events, the very complete and successful result of which I feel justified in attributing mainly to the cheerful and energetic manner in which they have on all occasions sought to perform the duties entrusted to them in conjunction with Her Majesty's forces.

It will afford me the highest gratification to report to Her Britannic Majesty's Government the satisfaction I have felt in being associated with so distinguished an officer as yourself, and the good service rendered by the able and efficient force under your command, as well as to convey my appreciation of the cordial understanding and goodwill that have characterised our united efforts in endeavouring to carry out the views of our respective Governments.

I have, &c.

(Signed) AUGUSTUS L. KUPER.

Inclosure 3 in No. 61.

Rear-Admiral Jaurès to Vice-Admiral Sir A. Kuper.

M. l'Amiral,

A bord de la "Sémiramis," le 14 Septembre, 1864.

J'AI reçu la lettre que vous m'avez fait l'honneur de m'écrire le 11 Septembre dernier pour me remercier personnellement et pour féliciter les équipages des bâtiments de Sa Majesté Impériale du noble concours qu'ils n'avaient cessé de prêter aux forces de Sa Majesté Britannique.

J'ai été très reconnaissant et mes officiers ont été très touchés de cette marque de sympathie. J'ai remarqué comme vous la rivalité de bravoure et d'entrain qui n'a cessé de régner entre les matelots ou soldats placés sous nos commandements respectifs, et j'ai toujours pensé qu'à cette noble émulation nous devons principalement attribuer le succès complet que nous venions d'obtenir dans le Détroit de Simonoseki. L'accord parfait qui a marqué tous les actes de nos officiers et de nos équipages tant à bord qu'à terre provient, j'en ai l'assurance, de notre bonne entente, connue et applaudie de tous.

J'ai déjà rendu compte au Gouvernement de l'Empereur des excellents rapports que j'avais entretenus avec vous pendant tout le courant de cette expédition. Je lui ai fait connaître le zèle et la bravoure que les matelots et soldats Anglais avaient déployés pendant les trois jours de combat que nous avons eu à soutenir, enfin la constance dont ils avaient fait preuve de concert avec les forces placées sous mon commandement pour mener à bonne fin l'opération pénible à embarquer avec des moyens réduits une artillerie aussi nombreuse et aussi pesante que celle du Prince de Nagato.

Permettez-moi maintenant, M. l'Amiral, de vous exprimer combien personnellement je m'estime heureux d'avoir eu à co-opérer dans une expédition de guerre avec un homme d'un caractère aussi loyal et aussi digne que le vôtre. Le souvenir de la bonne entente qui nous a unis pendant toute la campagne de Simonoseki restera dans ma pensée invariablement attaché à celui du succès complet que nous avons obtenu.

Agréez, &c.

(Signé) C. JAURES.

(Translation.)

M. l'Amiral,

On board the "Sémiramis," September 14, 1864.

I HAVE received the letter which you did me the honour to address to me on the 11th of September last, thanking me personally and complimenting the crews of His Imperial Majesty's ships on the noble assistance which they have unfailingly rendered to the forces of Her Britannic Majesty.

I have been much gratified and my officers have been much touched by this mark of sympathy. I have remarked, as you have done, the rivalry of courage and spirit which has constantly prevailed between the sailors or soldiers placed under our respective commands, and I have always thought that the success which we have recently obtained in the Straits of Shimonasaki was chiefly to be attributed to this noble emulation. The perfect community of action which has marked all the acts of our officers and crews, as well on board as ashore, arises, I am assured, from the good understanding between us, which is known and applauded by all.

I have already reported to the Emperor's Government the excellent understanding which I have maintained with you during the whole course of this expedition. I have informed him of the zeal and courage which the English sailors and soldiers have displayed during the three days' fighting which we have had to sustain, as well as the fortitude which they exemplified in concert with the forces placed under my command in bringing to a successful termination the difficult operation of embarking with but limited means, the Prince of Nagato's numerous and heavy cannon.

Permit me now, M. l'Amiral, to express to you how I, personally, consider myself fortunate in having to cooperate in an expedition of war with a man of such a loyal and worthy character as yours. The remembrance of the good understanding which has united us during the whole of the campaign of Shimonasaki will remain in my thoughts invariably attached to that of the complete success which we have obtained.

Accept, &c.

(Signed) C. JAURES.

Inclosure 4 in No. 61.

Vice-Admiral Sir A. Kuper to Captain De Man.

Sir, "Euryalus," Straits of Shimonasaki, September 11, 1864.
 THE operations in the Straits of Shimonoseki having terminated, I beg you will permit me to convey to yourself personally, and through you to the captains, officers, and ships' companies of His Netherlands Majesty's ships under your command, the expression of my high appreciation of their zeal and gallantry, and of my best thanks for the efficient co-operation and assistance they have afforded me throughout the progress of the recent events, which have been attended with the most complete and successful results.

I shall have much pleasure, while reporting to Her Britannic Majesty's Government the success of the operations undertaken by the combined forces, in calling attention to the valuable support I have received from yourself and the officers and men under your command.

I have, &c.
 (Signed) AUGUSTUS L. KUPER.

Inclosure 5 in No. 61.

Captain De Man to Vice-Admiral Sir A. Kuper.

Sir, On board His Netherlands Majesty's ship "Mitalen Kruis,"
 Straits of Shimonasaki, September 13, 1864.
 HAVING received your letter dated 11th September instant, containing the expression of your high satisfaction about the conduct and zeal of the Dutch squadron during the action in the last military operations against the enemy's batteries in Shimonasaki Straits, which I have communicated immediately to the captains of the different ships under my command, I have the honour to declare that this valuable testimonium of our behaviour has been read with the most sincere feelings and enthusiasm by me as well as by them.

We are all very proud, Sir, at being favourably appreciated by a so highly-distinguished British Admiral, and we see in this paper, as all our countrymen will do, a continual feeling of satisfaction, and keep it as an historical document for which the commanding officers and myself feel exceedingly obliged to you.

Personally and in the name of the captains under my orders, we offer the same time our homage and congratulation to you, Sir Admiral Kuper, Commander-in-chief of the allied squadrons, having with such a splendid success, by your military skill and seamanship, opened in these days the Inland Sea of Japan, and brought a powerful Daimio to his duty.

I have, &c.
 (Signed) J. E. DE MAN.

Inclosure 6 in No. 61.

Vice-Admiral Sir A. Kuper to Lieutenant Pearson.

Sir, "Euryalus," Straits of Shimonasaki, September 11, 1864.
 THE operations in the Straits of Shimonoseki having terminated, I am desirous of conveying to yourself, and through you to the men under your immediate orders, the expression of my best thanks for the assistance rendered by the "Takiang" throughout the progress of the recent events, which have been attended with the most complete and successful results.

The courtesy shown by you in receiving temporarily on board the "Takiang" the wounded of the squadron has been of considerable advantage to us, and I shall have much pleasure in reporting to Her Majesty's Government your ready acquiescence in my wishes on all occasions when the services of the "Takiang" could be made available in any manner towards the success of the operations.

I have, &c.
 (Signed) AUGUSTUS L. KUPER.

No. 62.

*Earl Russell to Mr. Grey.**

Sir,

Foreign Office, November 22, 1864.

THE Lords Commissioners of the Admiralty have received from Vice-Admiral Sir A. Kuper, commanding Her Majesty's naval forces in the Eastern Seas, an account of the successful operations lately undertaken by a combined squadron of English, French, Dutch, and United States' vessels against the batteries erected by the Japanese Prince of Nagato in the Straits of Shimonasaki.

Sir A. Kuper has reported that the most cordial good feeling prevailed throughout these operations between the officers and men of the allied forces; and he attributes, in great measure, to that good feeling the speedy and entire success with which the operations of the combined squadron were crowned. You will learn from the accompanying copies of a correspondence between Sir A. Kuper and Rear-Admiral Jaurès, the sense which the British Admiral entertains of the impo-services rendered on that occasion by the officers and men of His Imperial Majesty's squadron. And, in accordance with the wish of the Lords of the Admiralty, I have now to instruct you to request that the French Government will have the goodness to convey to Rear-Admiral Jaurès the acknowledgment of the Lords Commissioners of the Admiralty for the ready co-operation which that gallant officer afforded to the British Admiral during the whole of the operations in question.

I am, &c.

(Signed) RUSSELL.

No. 63.

Mr. Grey to Earl Russell.—(Received November 26.)

(Extract.)

Paris, November 25, 1864.

I INFORMED M. Drouyn de Lhuys yesterday that I had received your Lordship's instructions to convey to the French Government the acknowledgments of Her Majesty's Government of the cordial co-operation given by Admiral Jaurès to Sir Augustus Kuper in the late attack upon the Japanese forts in the Straits of Shimonasaki, and I subsequently addressed a note to his Excellency in the sense of your Lordship's despatch of the 22nd instant.

No. 64.

Earl Russell to Mr. Grey.

Sir,

Foreign Office, November 26, 1864.

I HAVE to acquaint you that I have informed the French Ambassador, who spoke to me by order of his Government on the subject of Japan, that Her Majesty's Government were glad to find that Admiral Kuper has not left any land troops on the shore of the Straits of Shimonasaki; that Her Majesty's Government hope that the lesson which the Japanese have received may make it unnecessary to do more; and that Her Majesty's Government by no means retract their orders not to attempt measures of aggression in the interior.

I added that as regards future orders, Her Majesty's Government must wait to receive Sir Rutherford Alcock's report of the result of the late transactions.

I am, &c.

(Signed) RUSSELL.

No. 65.

Earl Russell to Sir R. Alcock.

Sir,

Foreign Office, November 26, 1864.

I TRANSMIT herewith, for your information, copies of a despatch from Her Majesty's Chargé d'Affaires at Paris, and of my reply,† relative to the state of affairs in Japan, and the policy which Her Majesty's Government intend to pursue in that country.

I am, &c.

(Signed) RUSSELL.

* Similar despatches were addressed to Sir J. Milbanke and Lord Lyons.

† Nos. 63 and 64.

Sir R. Alcock to Earl Russell.—(Received November 27.)

My Lord,

Yokohama, September 28, 1864.

THE allied squadrons in the Straits of Shimonasaki have achieved a great triumph, and with comparatively little difficulty or loss. I have the honour to inclose the two despatches of Vice-Admiral Sir Augustus Kuper, with their inclosures, acquainting me with the successful result of the operations.

By these your Lordship will see a general attack was made on the whole line of fortifications erected on the Nagato shore on the 5th instant. The attack was not commenced until late in the afternoon, but the following day sufficed, nevertheless, for the assault and capture of all the batteries.

These were subsequently destroyed, the magazines blown up, and the whole of the guns, amounting to sixty-five pieces of ordnance, mostly of bronze, were embarked on board the various ships.

On the third day from the commencement, and while these operations were going on, the Prince of Nagato sent an unaccredited messenger to sue for peace. Having been told that without proper credentials and plenipotentiary powers no one would be received, the next day an Envoy of the Prince made his appearance on board the Admiral's flag-ship, with a flag of truce, to negotiate for a termination of hostilities. A temporary cessation was agreed upon, and on the 14th instant the Minister of the Prince agreed to the terms proposed by the Admiral for a permanent cessation of hostilities, which were reduced to writing and signed by the Minister. The ratification by the Prince was received on the 16th by the hands of one of the Ministers.

By this document the Prince of Nagato engages—

1. That all ships henceforth shall freely navigate the Straits, be treated in a friendly manner, and allowed, if necessary, to coal and purchase provisions.

2. That the batteries shall not be repaired or rearmed, and no new ones built.

3. That a ransom shall be paid for the town of Shimonasaki, which has been spared, although it fired upon the ships, and therefore might have been destroyed. He further engaged to pay the whole expenses of the expedition; agreeing to abide by the decision of the Foreign Ministers at Yeddo, with regard to these two points.

The Admiral having, in the interval, satisfied himself by personal inspection of the entire Straits that no armed batteries remained in existence on the territory of the Prince, and that the passage of the Straits was cleared of all obstructions, the objects of the expedition were completely and most satisfactorily accomplished. I have no official return of the loss in killed and wounded, but it is reported as 51 wounded and 8 killed, among the British; and 4 killed, 1 missing, and 5 wounded, among our allies the French and Dutch.

It is a great subject of congratulation that such heavy loss and punishment should have been inflicted on a Daimio who has persevered in the interruption of trade with hostile action for fifteen months, and rejected all overtures of peace, not only with such comparatively small cost to ourselves, but, so far as I can ascertain, without any loss, either in life or property, to non-combatants among the Prince's subjects.

Of the political bearing of this great and complete success I will speak in a subsequent despatch.

I have, &c.

(Signed) RUTHERFORD ALCOCK.

Inclosure 1 in No. 66.

Vice-Admiral Sir A. Kuper to Sir R. Alcock.

Sir,

"Euryalus," Straits of Shimonasaki, September 12, 1864.

I DISPATCH Her Majesty's ship "Perseus" to Yokohama to acquaint you with the successful result of the operations of the allied squadrons in the Straits of Shimonasaki.

The ships composing the force having assembled at the rendezvous at Himesima, moved up to the eastern entrance to the Straits on the 4th instant, and on the

following day the operations were commenced by a general attack on the line of fortifications erected on the Nagato shore; these were subsequently assaulted and captured on the 6th instant by the seamen and marines landed from the squadrons. The batteries have since been destroyed, the magazines blown up, and the whole of the guns, amounting to about sixty-five pieces of ordnance, have been embarked in the various ships.

I have also satisfied myself, by personal examination of the entire Straits, that no batteries remain in existence on the territory of the Prince of Choshu, and thus the passage of the Straits may be considered cleared of all obstructions.

On the 8th instant, whilst the demolition of the batteries was in progress, an Envoy of the Prince of Choshu made his appearance on board my flag-ship, with a flag of truce, charged, as he informed me, with instructions from the Prince to negotiate for a termination of hostilities. The Envoy produced documents addressed to the Plenipotentiaries of each of the allied Powers, said to have been written by command of the Prince of Choshu, and stating that no opposition would henceforth be offered to the free passage of the Straits. The Envoy also exhibited copies of letters to substantiate the statement that in the various acts of hostility shown by him towards foreign flags he had acted under the direct authority of the Mikado and the Tycoon. Translations of these papers are forwarded herewith for your information.

Having conferred with Admiral Jaurès, who was present at the interview, it was decided that to convince us of the sincerity of the Prince's desire for peace it was necessary that we should receive a written requisition, under his own hand, to that effect, and the Envoy having observed that an interval of two days would be required to obtain the desired communication, a suspension of hostilities for that time was agreed upon, and the squadrons were immediately directed to hoist flags of truce. It was, however, stipulated that the armistice should not interfere with the work of embarking the guns then in progress, and it was accordingly proceeded with and completed.

True to the time named by the Envoy, at noon on the 10th instant, the Chief Councillor of the Prince of Choshu (Mori Idzumo) came on board the "Euryalus" and placed before me a despatch from the Prince, identical despatches being also brought for the Senior Officers of the allied squadrons. A translation of this despatch is forwarded for your information, together with the minutes of the interview which subsequently took place.

The very satisfactory character of the Prince's written communication, the evident earnest desire of his Envoy that no further hostilities should take place, added to the engagement made by him that the Prince himself would come to Shimonasaki to confer with the allied Commanders, affords, in the opinions of Rear-Admiral Jaurès and myself, reasonable ground for presuming that, even apart from the brilliant success achieved, in a military point of view, and the great extent of the injury inflicted upon the Prince of Choshu, upon his power and prestige, advantages of a powerful nature, in a political sense, may very possibly result from the presence of the allied squadrons in these Straits.

You will observe by the minutes of the interview that we have refrained from entering into the discussion of any question of a political or diplomatic nature, and the same reserve will be maintained in our communications with the Prince, should we succeed in having a conference with him.

A personal inspection of the Straits of Shimonasaki has convinced me of the inexpediency, with the means at present available, of holding any position, either on an island or on any part of the mainland, in the vicinity of the Straits. It is, however, my intention to maintain possession,—by leaving here an English, a French, and Dutch vessel of war,—until the relations between the Tycoon's Government and those of the Treaty Powers, with reference to this portion of the territory of the Prince of Choshu, have been arranged on a satisfactory footing; and the presence of the ships will, at the same time, afford a guarantee against the erection of batteries which the Envoy of the Prince engaged should not be again undertaken.

I have, &c.
(Signed) AUGUSTUS L. KUPER.

Inclosure 2 in No. 66.

The Prince of Suwo and Nagato to the English Plenipotentiary.

(Translation.)

September 3, 1864.

HAVING fired upon foreign ships in the Straits of Shimonasaki last year, in obedience to the orders of the Mikado and Tycoon, I cannot understand why I was censured by the Tycoon's Government as having done wrong in firing. This made it appear as if I had disobeyed the orders of the Mikado; and my two retainers having returned a short time ago with communications (from the Foreign Ministers), I became desirous to refer again to the Mikado in order to obtain his decision. Nagato no Kami (*note*—son and heir of the Prince of Choshu) set out for Kioto; but before he had arrived disturbances arose in the capital, which, I regret very much to say, obliged him to return without having accomplished the end in view. I have sent Matsu-Shimakôzô and Ito Shunské to explain to you; and I hope you will understand that henceforth I will offer no opposition to the free passage of the Straits of Shimonoseki.

8th month, 3rd day of 1st year of Gengi (September 3, 1864).

(Signed by the Sovereign Prince of Nagato and Suwo, in Japan.)

Inclosure 3 in No. 66.

Translation of Mikado's and Tycoon's Orders for the Expulsion of Foreigners.

(No. 1.)

I HAVE the honour to inform your Majesty that with regard to the time when the foreigners (barbarians) are to be expelled, I have decided to cease communications with them, without fail, from the 10th of the 5th month (June 20, 1863). I will also inform all the Daimios of this decision.

4th month, 20th day.

(Signed) IYEMOCHI (Tycoon's name).

Note by Choshu's Officers.—The above was communicated to us on the 23rd day of the 4th month (1863) by one of the Mikado's Ministers.

(No. 2.)

By Imperial decision (from Kioto), communications with the outer barbarians are to cease from the 10th of the 5th month (June 20, 1863). It is ordered that military preparations be made with diligence, and the ugly barbarians be swept out.

4th month.

Note by Choshu's Officers.—The above was communicated to us by the Tenso (officers who conduct business between the Mikado and Tycoon) on the night of the 24th day of the 4th month, 3rd year of Bun-kew.

(No. 3.)

With reference to the expulsion of the barbarians, it has been communicated to us from the Imperial Court of Kioto that communications with them are to cease from the 10th of the 5th month (June 20, 1863). Bearing this in mind, you must omit nothing which is required to complete the maritime defences of your province, and you must be ready to sweep them off should they attack you unawares.

You must communicate this to all the Daimios and Hatamotos without omitting a single one.

4th month.

Note by Choshu's Officer.—The above was communicated to us by Midzuno Idzumi no Kami (Member of the Gorogio) when he was at Kioto.

Inclosure 4 in No. 66.

The Prince of Choshu to Vice-Admiral Sir A. Kuper.

(Translation.)

HAVING fired last year upon foreign ships in the Straits of Shimonasaki, in obedience to the orders of the Mikado and the Tycoon, I cannot understand why I was censured as having done wrong in firing. This made it appear as if I had disobeyed the orders of the Mikado, and my two retainers having returned with your kind and friendly communications, I became desirous again to refer to the Mikado, in order to obtain his decision. Nagato no Kami set out for Kioto, and before he had arrived, disturbances arose in the capital, and he returned without having accomplished the end in view.

On the 3rd instant, having heard that your honourable country's war vessels had arrived at Himesima, I sent two of my retainers to you, and ordered them to inform you that no opposition would be offered to your passing through the Straits of Shimonasaki, but as you had already left, I sent them to Shimonasaki to communicate this to you; but I regret very much that they were again too late, as fighting had already commenced. I felt no enmity towards you, nor did I wish to bring disaster upon my own people. My sole desire is that you will grant peace, and I beg you will take this into favourable consideration.

My chief Councillor, Mori Idzumo, will communicate this more fully to you.
(Genji, first year, ninth of eighth month).

(Signed)

MATSDAIRA DAIZEN NO DAIBU.

Inclosure 5 in No. 66.

Minutes of a Conference between Vice-Admiral Sir A. Kuper, Rear-Admiral C. Jaurès, and Mori Idzumo, a Chief Councillor (Karoo) of Prince Choshu, held on-board Her Majesty's ship "Euryalus," at 12 o'clock on the 10th December, 1864.

Admiral.—Why have not the same men come to-day as those who came the day before yesterday?

Idzumo.—The other man, who was the Chief Councillor, being unwell to day, could not come.

Admiral.—Have you brought the letter you promised to bring with you the day before yesterday?

A letter addressed to each of the four Powers was produced and read.

Admiral.—It is very inconvenient if the man sent to treat with us is always unwell the next day. I hope that, should we not be able to conclude our business to day, the same persons who are now present may be sent again to-morrow.

Idzumo.—This is really no sham sickness. The man who came the day before yesterday had not slept for three nights, and was consequently very tired and unwell.

Admiral.—We, as well as the Prince, are anxious for peace, and by peace we not only mean a cessation from fighting, but we wish to become friends and to institute friendly relations with your Prince. We were forced to fight, but we never came to Japan for the purpose of fighting; on the contrary, we came only to trade.

Idzumo.—My Prince's feelings are exactly the same as your own. He not only wishes a cessation of hostilities, but is also desirous to have intimate relations with you.

Admiral.—I am very glad to hear that such are the feelings of your Prince, and we should like, with a view to the promotion of these mutual relations, to meet the Prince Choshu in person. We are both of high rank in our own country, and if your Prince would come to Shimonasaki, we would come on shore and have an interview with him in any place he likes to appoint.

Idzumo.—This cannot be settled without reference to the Prince.

Admiral.—In the meantime we will arrange the terms with you, and afterwards we hope to be able to see the Prince. If we could have an interview with him in person we might cede much to him which we cannot cede to you. At present, however, we will communicate to you our terms of peace.

Idzumo.—To-day being the 10th of the Japanese month, if I send a message to-day, the Prince will be able to be in Shimonasaki by 12 o'clock on the 14th.

Admiral.—We think that, by this arrangement, no time will be lost, and it will

suit us very well. Are we then distinctly to understand from you now that the Straits of Shimonasaki are open henceforth, and that no obstructions will hereafter be offered to any vessels wishing to pass through them?

Idzumo.—Yes.

Admiral.—And ships in want of coal, provisions, water, &c., must be treated in a friendly way, and their wants immediately supplied.

Idzumo.—Of course, everything shall be supplied to your vessels. And further, as the currents are very strong here, we also agree that any one in distress shall be permitted to land here if necessary. We are sorry we have not yet been able to send off supplies of fresh provisions for the fleet, but the country people are so frightened that we cannot induce them to come.

Admiral.—Let it be distinctly understood that we wish to pay for any supplies which may be sent off, and we do not mind who brings them.

Idzumo.—I will have provisions sent off every day if I can, but I cannot send any bullocks, as they are very scarce, and I should be obliged to force the people to part with them against their will.

Admiral.—We shall further demand that no batteries be erected in the Straits again until our relations with Japan shall have been definitively settled between our Ministers at Yeddo and the Tycoon.

Idzumo.—We agree to this.

Admiral.—Lastly, we have a right to demand a certain sum of money from the Prince, in consideration of our refraining from destroying the town of Shimonasaki, after we had been fired upon from there. This is a custom of warfare which we will explain to the Prince himself. When we see your Prince we shall be able to explain many things which will prevent any future difficulties between us.

Idzumo.—I quite understand this.

Admiral.—The day before yesterday you promised to bring off the Dutch sailor and the boat. Have you brought them with you?

Idzumo.—We have brought all the things which were found in the boat, but we cannot find the boat itself, and we do not know where the man is. We will, however, tell you by to-morrow morning.

Admiral.—We found the boat ourselves and took it. But can you tell us whether the man has been killed?

Idzumo.—I do not know.

Admiral.—We shall go on shore to Shimonasaki to buy things. You will therefore give orders to sell us anything we wish to purchase; and as we do not wish to frighten any one, it would perhaps be as well if you made a sort of general market where we could procure what we want.

Idzumo.—There are plenty of markets in the town; but I hope, in going on shore, you will be careful of yourselves, as there are many bad characters about, and we cannot be responsible for their actions. I hope you will not believe any tales Kokura's men may tell you about us. To prove to you that we were desirous of making peace, I assure you that, before it was decided to negotiate for peace, several men of high rank who were opposed to it were obliged to commit the "hara kiri."

Admiral.—We know very well that you can protect us if you choose, and as we shall go on shore only in the daytime, should any of us be attacked we must destroy the town.

Idzumo.—On our part we will take every precaution in our power.

Admiral.—Is there a Governor in this place?

Idzumo.—Yes.

Admiral.—Then if you give him orders, nothing can happen to any one on shore.

Idzumo.—The peace to be concluded is a very desirable thing indeed, and I am exceedingly anxious that no untoward event should arise which might destroy all hope of our peaceful relations. It is for this reason that I tell you that there are bad characters about, and I hope you will well understand that I have no desire to prevent your going on shore.

Admiral.—If we find you cannot defend the town, we will land a force and do it ourselves.

Idzumo.—We can very well defend it ourselves.

Admiral.—Then we shall go into the town, but will not go into the country.

Idzumo.—I hope you will not believe what other people may say about us, as all the other Daimios are at present very much prejudiced against us.

Admiral.—We shall listen to no one, but will judge for ourselves when we see how Choshu keeps the terms we shall agree upon. We have now proposed to you all we have to demand. All political questions will have to be decided between our Ministers at Yokohama and the Japanese Government. We are now only making peace with Nagato, but do not wish to mix up political questions with the conclusion of peace.

Idzumo.—I have well understood.

Admiral.—We have now settled everything we can with you^u, and will give you until 12 o'clock on the 14th to conclude everything with your Prince regarding our reception.

Idzumo.—Do you make peace only with Choshu?

Admiral.—Yes; and we not only make peace with him, but desire to be friends with him.

Idzumo.—When you come on shore I will point out the house for the conference.

Admiral.—We have no desire to fight any more, and hope we may have an opportunity on the 14th to make an amicable settlement with the Prince. The man who came the day before yesterday promised to explain to us all that had lately taken place in Kioto. Can you tell us now?

Idzumo.—Choshu received orders both from the Mikado and Tycoon to fire on vessels trying to pass through the Inland Sea. Subsequently, he was censured by them both for having done so. Choshu was very angry at this and sent to Kioto, for the purpose of endeavouring to force an answer from the Mikado. The Governor sent to Choshu's Representative in Kioto to tell him to send back the men who had lately arrived. This was the occasion of the commencement of the fight. We did not send to carry off the Mikado, but merely to demand explanations, as we had no desire to fight.

Inclosure 6 in No. 66.

Vice-Admiral Sir A. Kuper to Sir R. Alcock.

Sir,

"Euryalus," Straits of Shimonasaki, September 17, 1864.

IN continuation of my letter of the 12th instant I have the honour to inform you that the Ministers of the Prince of Choshu again came on board the "Euryalus" on the 14th instant, and stated that, although the Prince was very desirous of having a Conference with the allied Commanders, they had failed in their endeavours to induce him to break through the ancient custom of entire seclusion (consequent on his difference with the Mikado). The causes which have led to this seclusion are described in the accompanying copy of a despatch from the Prince to the Mikado.

At the interview which followed, the Minutes of which are forwarded herewith, the Ministers gave their consent, in writing, to the terms proposed by me as the condition of the cessation of hostilities, and on the 16th instant I received from the Prince of Choshu, by the hand of one of his Envoys, his ratification of the terms, copy of which document is also transmitted herewith. The questions arising out of the visit of the allied forces to these Straits being thus satisfactorily settled, the flags of truce were hauled down.

I purpose quitting this anchorage as soon as the weather becomes more favourable on my return, with the allied squadrons, towards Yokohama, *via* the Inland Sea; leaving here Her Majesty's ship "Barrosa," the French screw-vessel "Tancred," and the Dutch screw corvette "D'Jambi," with instructions to remain in the Straits until the 5th October, to act as a guarantee against the immediate infraction of any of the terms of the agreement, and the subsequent occasional visit of a vessel of war will, I am of opinion, be sufficient to show that the terms will be enforced should any attempt be made to ignore them.

I have, &c.

(Signed) AUGUSTUS L. KUPER.

Inclosure 7 in No. 66.

The Prince of Choshu to Vice-Admiral Sir A. Kuper.

(Translation.)

THE Sovereign Prince and his son are very desirous of having a Conference with you, but on account of the affair which took place lately at Kioto they have confined themselves to their house, and are therefore unable to meet you. It is hoped that an interview may take place on a future occasion.

8th month.

(Signed)

MATSUDAIRA DAIZEN NO DABU.
YOSHICHIKA.

Inclosure 8 in No. 66.

The Prince of Nagato to the Mikado.

(Translation.)

ON the night of the 18th ultimo (August) some of my retainers who had run away united themselves to a large body of ronins, and having approached the Imperial palace created a disturbance. In consequence of this breach of respect towards the Imperial Court I have already made one communication to your Majesty on the subject, and I sent Shinano, one of my officers, to Miako, to bring my runaway retainers to order. He met there Matsda Nyomonoske and Fuku-hara Echingo, with whom he ought to have taken council for this purpose; but on the contrary, being persuaded by the runaways, these three were induced to disobey the united orders of myself and my son, Nagato no Kami. They upon their own responsibility composed a document, which they sent in to your Majesty, and eventually broke out into open revolt. All this was exceedingly wrong, and I can hardly find words to express my regrets. I therefore committed these three men to the care of my relation, Mori Awadz no Kami, and I respectfully await your Majesty's instructions as to what punishment they shall receive.

Further, that I and my son must confess ourselves to be much in fault in this, because our orders were insufficient to prevent it, at the same time we had no idea that such a thing could happen. We have secluded ourselves in our dwellings, respectfully awaiting the orders of your Majesty.

(Signed)

NAGATO NO SAISHO.

Inclosure 9 in No. 66.

Minutes of a Conference between Vice-Admiral Sir A. Kuper, Rear-Admiral C. Jaurès, and Shishido Bizen, Mori Idzumo, and Shishido Bingo, Chief Councillors (Karoo) of the Prince of Choshu, held on board Her Majesty's ship "Euryalus," at 2 o'clock on the 14th of September, 1864.

Admiral.—As I perceive a different Minister has come to-day, I should like to know his name and rank.

Shishido Bizen.—My name is Shishido Bizen, and I am the first Chief Councillor of the Prince.

Admiral.—But you are the third to tell me you are the first of the Chief Councillors of the Prince.

Shishido Bizen.—The man who came here on the first occasion is my adopted son, and consequently my equal in rank.

Admiral.—How am I to know that you have plenipotentiary powers? Have you brought any credentials from your Prince?

Shishido Bizen.—We have no credentials except the letter from the Prince, which was brought to you some days ago, to prove that we have plenipotentiary powers. These powers are divided among the Chief Councillors; but we are in the habit of changing the numbers of our Ministers from day to day.

Admiral.—For how long a time has your Prince retired temporarily from his public duties?

Shishido Bizen.—Since the 8th of this month (18th September, 1864).

Admiral.—How long is his retirement and that of his adopted son to continue?

Shishido Bizen.—We have not the slightest idea.

Admiral.—It is very inopportune that we were not able to have a conference with the Prince in person to-day, as we might have been able finally to settle many things with him.

Shishido Bizen.—We are also very sorry that it has so happened, but there is no help for it.

Admiral.—We gave the Prince four days to come down from Yamakuchi, although we know very well that it only takes two days at the most. You ought to have informed us of the Prince's retirement before to-day.

Shishido Bizen.—We only arrived here late last night. We were endeavouring up to a late hour to persuade the Prince to meet you, but as he is in disgrace with the Mikado he would not break through the ancient custom of entire seclusion until he had the Mikado's forgiveness.

Admiral.—I will now give you the terms upon which we consent to 'cease hostilities, and unless these are signed and sealed by the Prince in two days, we shall take the town of Shimonasaki, and shall proceed as before, making war as if a flag of truce had never been hoisted.

Shishido Bizen.—The Prince is very desirous of peace.

Admiral.—The terms are as follows:—

1st. The Prince engages for the future that all foreign ships shall be allowed to pass through the Straits of Shimonasaki without molestation, that they shall be treated in a friendly way, and shall be provided with coal, water, fresh provisions, and everything requisite for ships which the place produces.

Further, in accordance with the proposition of Mori Idzumo persons in difficulty, on account of stress of weather, shall be allowed to land without obstruction. (Agreed)

2ndly. The Prince engages to construct no new batteries in the Inland Sea, and neither to re-build nor put new guns into the former batteries.

Shishido Bizen.—If we agree to this proposition, we shall be without the means of defence, if a war should break out between our Prince and other Daimios. if we make a Treaty of Peace with you, you may trust us that it will not be broken.

Admiral.—Why were these batteries constructed in the first place?

Shishido Bizen.—To fight foreigners.

Admiral.—And as foreigners have pulled them down, foreigners will not permit you to erect them again.

Shishido Bizen.—We agree, then, to the second proposition.

Admiral.—3rdly. The Prince engages to pay an indemnity in consideration of the town of Shimonoseki having been spared, after firing on our men; also to pay the expenses of the war. The amount of these sums to be decided upon by our Ministers at Yeddo.*

Shishido Bizen.—When will the amount demanded be settled?

Admiral.—Perhaps it will take two months, as the Ministers will have to consult together.

Shishido Bizen.—The two provinces of the Prince only furnish a revenue of 360,000 kokus of rice per annum; of these he pays to his retainers 200,000, and the remaining 160,000 are all spent in arms, ammunition, and keeping up our batteries.

Admiral.—If the Prince chooses to spend all his money in making war upon us he must pay for it. We cannot take the amount of his revenue into consideration at all. He should have counted the cost before commencing a war with European Powers. He will have to pay the amount demanded now.

Shishido Bizen.—It is absolutely impossible to give more money than we have. We are very anxious for peace, but at the same time our money resources are limited, and the prompt payment of the demand must in some measure depend upon the amount.

Admiral.—We must insist upon this article of our proposition.

Shishido Bizen.—We will write down this proposition with the others; but I hope you will bear in mind what I have previously said about it.

Admiral.—It is a great pity that the Prince did not come himself. At all events, if he has not the money himself he can borrow it from the Government. The amount which will be demanded will very much depend upon the manner in which Choshu behaves to foreigners in future.

The third proposition was added in Japanese to the other two, with an addition to the effect that these terms are the conditions of a cessation from hostilities for

* True translation of these terms, as taken down on the spot by the Japanese attached.

the present, and only relate to the force now in these waters, and that they do not in the slightest degree affect any questions between the Foreign Ministers and the Tycoon with regard to Choshu. Further, that these terms be signed and sealed by the Prince, and delivered to the Admirals on the 16th September.

Shishido Bizen expressed himself satisfied with these terms.

Admiral.—The conditions of peace then being settled, I should like to know, merely as a matter of curiosity, whether the Prince, in stating that he is desirous of becoming friendly with foreigners, means that he would also like to open his port to foreign trade.

Shishido Bizen.—The Prince desires very much to open his port, but the state of the country is at present so unsettled, that until the affairs of the Mikado and the Tycoon assume a more peaceful aspect he is afraid he cannot obtain their sanction.

Shishido Bizen here repeated what he had formerly stated in regard to the expenses of the war and the limited condition of the Prince's financial resources.

The Admiral answered that war is always expensive, not more so to the Prince of Choshu than to foreign Powers; that if Choshu had fought by orders of the Mikado and the Tycoon, the Mikado and the Tycoon ought to pay the expenses of the war.

Inclosure 10 in No. 66.

Agreement.

1. HENCEFORWARD all ships of all countries passing through the Straits of Shimonasaki shall be treated in a friendly manner. Ships shall be allowed to purchase coal, provisions, wood, and water, and every other necessary. As the harbour of Shimonasaki is subject to violent winds and currents, people suffering from stress of weather shall be allowed to land without opposition.

2. Not only shall new forts not be built, but no repairs shall be made to the old ones, nor shall guns be mounted therein.

3. Although the town of Shimonasaki might justly have been burnt for having first fired upon foreign ships, it was left undestroyed. A ransom shall be paid for this, and in addition to this, the whole expenses of the expedition shall be defrayed (by the Prince).

I agree to abide by the decision of the Foreign Ministers at Yeddo with regard to these two points.

This agreement being merely for the cessation of hostilities upon this occasion it has nothing to do with questions affecting Choshu which have to be settled between the Japanese Government and the Ministers of foreign Powers.

(Signed)

SHISHIDO BIZEN.

MORI IDZUMO.

MATSDAIRA DAIZEN NO DAIBU.

YOSHICHIKA.

No. 67.

Sir R. Alcock to Earl Russell.—(Received November 27.)

(Extract.)

Yokohama, September 28, 1864.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 26th July. Since that date so much information will have been received by successive despatches devoted to the political situation and progress of events in this country, that I would fain hope the course I have taken will have been approved even before the result could be known.

I have it at heart, nevertheless, to show, in vindication of the policy pursued in full accord with the Representatives of France, the United States of America, and Holland, that I have closely adhered to the spirit of your Lordship's instructions, and even, by anticipation, to those now under acknowledgment. If there be any departure from the course enjoined, it is only in the letter.

Your Lordship observes that while a prosperous trade is carried on it would seem unwise to snap asunder the chain of friendly relations, and to make war for the sake of forestalling war.

Before this reply reaches the Foreign Office it will be known that so long as a prosperous trade continued, no action was taken by my colleagues or myself. The closing of the port by the stoppage of the main staple of its trade—silk, had already commenced, and lasted more than two months before it was finally resolved to dispatch the allied squadrons to the Inland Sea.

And before this decisive step was taken, negotiations with the Tycoon's Government had assured us that, so far from its tending to snap asunder the chain of friendly relations, the course contemplated would materially serve to draw the links closer. The Tycoon's assent was given, in secret no doubt, as is the manner of Eastern negotiators, with the full intention of denying all concurrence to the Mikado or Choshu,—but consent was given not the less.

Apart from this, the operations against Choshu could scarcely be considered an act of war, so much as the putting down by force a rebellious feudal Chief and vassal, persisting in acts of hostility in a piratical and unauthorized manner upon foreign Powers at peace with his country and Government, with the declared object of stopping their trade, in violation of Treaties and the law of nations. Officially disavowed by his superior the Tycoon, the Prince of Nagato was in the position of an outlaw, to be put down as a common enemy making war on his own account on all civilized nations. His defence, since urged, that he had the authority of both the Mikado and Tycoon, does not materially affect the issue, as regarded the action of foreign Powers. Other Daimios had the same orders, and interpreted them differently. Moreover, when the Tycoon sent messengers to stop his hostilities, they were murdered in his territories. If he made a mistake in the beginning from too much zeal, or misunderstood his orders, that is no reason why he should persevere, and murder those who were sent to undeceive him.

In reference to the course of policy your Lordship traces before much of this information could have reached you, "neither to precipitate hostilities nor abandon the rights we had acquired by our Treaties," I have no doubt it will be sufficiently evident now, that so far from precipitating hostilities, the blow struck at the chief of the anti-foreign party was the only policy that held out a hope of retarding, if not altogether averting, the breaking out of hostilities. To do nothing, with the total stoppage of the silk trade and virtual closing of this port by the Tycoon, the direct result of pressure upon him proceeding from this very party, using or abusing the authority of the Mikado's name, was practically to renounce the rights we had acquired by Treaties, and all that was most valuable and worth preserving in them. For more than twelve months the trade of Nagasaki had been interrupted by the persistent action of this hostile Daimio of Nagato, in his own territories, where he acknowledged no superior and treated all orders of the Tycoon with open contempt.

Not to assert and maintain our rights in such circumstances would have been to abandon them with grievous, if not irretrievable, damage to the British trade and interests in this country.

I cannot but feel confident, therefore, that had the operations against Nagato been less complete and satisfactory in every way, and the results less important than each day tends to show they are, your Lordship would have approved both the action and the grounds on which it was taken.

Indeed, the policy I am now directed to follow, as summed up in four heads by your Lordship, it has been my fortune to anticipate in a great degree, if not in every particular.

Thus in reference to the first head, the policy followed out has given every encouragement and support to such of the Ministers of the Tycoon and to such of the Daimios as are favourable to foreign trade; while the defeat of the Prince of Nagato's forces, and his prompt surrender at discretion with a formal recantation of hostility to foreigners, and engagement to maintain friendly relations, has proved so discouraging a blow to the whole of the Sako party, of which he was considered the bulwark and the sword, that it is difficult to estimate the full extent of the influence it is likely to exercise over the future policy and political state of Japan. Certain it is that nothing which could have been devised or effected, even by the resort to force, could possibly have produced a wider-spread influence, or a deeper conviction of the irresistible superiority of European arms—the only influence, he it remarked, that can be counted upon with hostile Daimios and their retainers, as it is the sole claim to their respect they are disposed to admit.

I have only to refer to the Admiral's Reports, with the documents attached, and to the fact of Choshu's absolute surrender and almost abject submission in proof, in striking contrast to the contempt he has hitherto invariably manifested in

his conduct towards foreigners. But if further evidence be wanting, it will be found in the inclosed Minute of a Conference with the high officers despatched from Yeddo to me and to my colleagues after the news of the defeat of all Choshii's vaunted forces, and the utter demolition of his batteries and magazines, after a few hours' fighting, in which we scarcely suffered any loss.

The first result, it will be seen, was the announcement of the prompt withdrawal of the restrictions on silk, now admitted to have been imposed by the Tycoon's Ministers in violation of Treaties, but in deference to the Mikado's reiterated commands, instigated by the party to which Choshii belonged; and, secondly, the assurance of the Tycoon's resolution forthwith to abandon the policy of equivocation and duplicity in regard to foreign Powers, and inform the Mikado of the impossibility of closing the port, or refusing indeed to maintain existing Treaties in their integrity. Whether with such aid as we have now given him he will have courage and strength to carry out the latter part of this programme, remains to be seen. But the effect upon the Councils of the Tycoon of the crushing defeat so easily and promptly inflicted upon the Prince of Nagato must have been great to induce such a movement on their part.

In regard to the second head, the expediency of making arrangements with the Japanese Government for the protection of Yokohama, there was but one means of efficaciously protecting Yokohama, and that was by a bold and decisive blow levelled at Choshii, to paralyze his party, and take the heart out of them for any such enterprize. Nor could the danger of such an attack be considered remote, when Choshii marched a large body of troops to Kioto, and nearly carried by assault the Mikado's palace-gates, and only retired after destroying half the city. A feudal Prince who has the means and courage to attack his own Sovereign and burn half his capital, was not a man to shrink from an onslaught on a foreign Settlement commanded on three sides by hills.

The object defined under the fourth head as to concerted action with the Representatives of the other Treaty Powers, your Lordship also knows has been so completely anticipated and effected by the steps I had already taken that it leaves nothing to be desired.

With this brief review of what has been done, and the means adopted to secure all the objects contemplated in your Lordship's despatches now under acknowledgment, I trust to meet with approval as having effected much at little cost, and without in any way committing Her Majesty's Government to a course of hostilities, which in my opinion, as in your Lordship's, is very earnestly to be deprecated, and by all possible means avoided. The best justification, I conceive, of the operations against Choshii, and the best fruit of the victory over him, lies in the promise it gives of no further designs of attack being nourished by our enemies. Not only has the most powerful of their number been crushed by a display of irresistible force, but to all appearance detached from his party. He has certainly entered into engagements to keep the peace towards us under heavy penalties if he break faith. Above all, I think it may reasonably be hoped, that by these operations and their result the foundation has been laid for the establishment of our relations upon a far more stable and satisfactory footing than has hitherto appeared attainable.

It will be satisfactory to Her Majesty's Government, I trust, when they perceive that there is no question, under any possible combination of circumstances, of the Treaty Powers being called upon to sanction any military operations in the interior of Japan.

It must, indeed, have become quite evident to your Lordship long ere this reaches England, that the defence and protection of Her Majesty's subjects resident in Japan, and of their property, equally with the maintenance of our Treaty rights, are not to be secured at all in an Eastern country situated as Japan now is, if the action of the naval and military forces placed at the disposal of Her Majesty's Minister for these objects is literally to be limited to meeting an attack made by armed forces collected for the purpose; and the loss of life and property to an indefinite extent would be the inevitable result. This would not be to protect either, but with our eyes open and the means of avoiding a catastrophe, deliberately to sacrifice both by a too narrow conception of the limits within which, in similar circumstances, defensive action lies.

Had I followed such a course in this case, I am satisfied your Lordship and Her Majesty's Government would have seen just cause to condemn my judgment, and to regret the lamentable consequences, present and future. It is my duty and my anxious desire in all things to carry out, in letter and in spirit, any instructions I may receive. But I am confident it cannot be necessary that I should point out

to your Lordship the necessity, at this distance, in an Eastern country where a social revolution and a civil war are both distracting the councils of the nation and paralyzing all government, of a diplomatic agent being allowed some latitude of interpretation as to the precise wording of his instructions, and even some discretionary power in giving them effect. Without this, I believe Her Majesty's Minister could only bring himself and his Government into trouble and disrepute.

Inclosure in No. 67.

Memorandum of a Conference held at Yokohama, September 18, 1864.

Present :

Sir Rutherford Alcock, K.C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary ;
 M. Leon Roches, Minister Plenipotentiary of His Imperial Majesty the Emperor of the French ;
 Robert H. Pruyn, Esq., Minister Resident of the United States ;
 M. de Graeff van Polsbroek, His Netherlands Majesty's Consul-General and Political Agent ;
 Takemoto Kai no Kami, Principal Governor of Foreign Affairs, and Confidential Agent of the Tycoon ;
 Shibata Hinga no Kami, Governor of Foreign Affairs ;
 Korimoto Kai no Kami, Ometske of the first class.

THE British Envoy informed the Japanese officials that Her Majesty's ship "Perseus" arrived, as he had anticipated, only a few hours after Takemoto had taken his leave yesterday. By this vessel despatches had been received from the senior naval officers by his colleagues and himself, acquainting them that in two days the whole of the batteries of the Prince of Nagato had been silenced, and the force collected for their defence defeated and entirely dispersed. All the magazines had been destroyed the day following, and the guns taken on board the fleet. On the third day after the fleet commenced the attack (the 7th of September) the Prince sent on board to sue for peace, but his agent, having no plenipotentiary powers, was sent back, and the next day a Minister of the Prince, with proper credentials, went on board the flag-ship of Admiral Kuper, and in his master's name again sued for peace. At that interview it was proposed that the Prince himself should come to Shimonasaki if he desired peace, and hold a conference with the senior naval officers to arrange the terms for a cessation of hostilities, with guarantees for the permanent maintenance of a free passage through the Straits. In the meantime, no hostilities on either side should be continued. It was then arranged that this conference should take place on shore on the 14th instant. The Admirals afterwards steamed through the Straits visiting the several points where batteries had been erected, and which had already been dismantled by the allied forces.

From all which the British Envoy observed there was this conclusion to be drawn, that the Prince of Choshu, notwithstanding all his vaunted power and long preparation, in a position of great natural strength, had been utterly unable to defend his batteries against the allied forces, and in three days all his troops having been defeated and dispersed, not a gun was left in any of his forts, and he himself had found it necessary to sue for peace. But there was another conclusion brought out by that which followed these events. The Prince declared that hitherto he had only acted under the orders of the Mikado and Tycoon, that he had no enmity himself against foreigners, but was perfectly willing to enter into friendly relations.

Such being the substance of the news brought by the "Perseus" and the result of the operations against the Prince of Choshu, who had held the Straits closed by batteries for fifteen months, it was now necessary to advert more especially to the Prince's alleged justification of this long violation of Treaties. The Prince not only declared that, as a Daimio of Japan, he had acted under the orders both of the Mikado and of the Tycoon in all that he had done, but he further produced certified copies in Japanese of those orders. The foreign Representatives, under these circumstances, desired to know what answer the Tycoon's Government had to make to this direct charge of complicity.

Takemoto no Kami replied that he would shortly have something to say on this subject, but would be glad first to hear anything which the Representatives might further have to communicate.

The French Minister said he was of opinion, in concert with all his colleagues, that the present was a very critical moment in the relations between foreign

countries and Japan, and that the time had arrived for a total change in those relations. Hitherto the foreign Representatives had suspected that the Tycoon, under the pressure of many difficulties, had been led to play a double part, which, however calculated in one point of view to secure his safety, was, on the other, full of peril to the foreigners in Japan, and, as they conceived, not without some danger to himself. He had often seemed to be playing into the hands of the Daimios most hostile to the maintenance of foreign relations, and to be seriously preparing to put a stop to these, while at the same time he professed to the several Treaty Powers a very earnest desire to maintain intact all the rights conferred by existing Treaties; but now it was no longer a matter of suspicion but of certainty, and the documents placed in the Admiral's hands prove that the whole of these outrages and flagrant violations of Treaties by the Prince of Nagato were really the acts of the Mikado and Tycoon, since done under orders which might easily be interpreted to sanction if not to prescribe the exact order of proceedings adopted by the Prince. The time, therefore, had come for dropping all mask and adopting a totally different policy; and unless the Tycoon, strengthened and materially aided as he must be by this complete victory over the Prince of Nagato, and by such support as the foreign Representatives were in a position to render him, would undertake without further temporizing to put himself in accord with the superior authority of the Mikado in this matter of the Treaties, obtain his sanction and give entire execution to all their stipulations, an opportunity, not likely to occur again, would be lost in the Tycoon's interest not less than theirs.

Takemoto Kai no Kami, in reply, stated that he fully agreed with the opinions just expressed that this was a very critical moment, and it behoved the Tycoon's Government to take advantage of it in the way indicated. In regard to the charge made by the Prince of Choshu and the written orders he produced in justification, he, Takemoto Kai no Kami, had to remark:—

1st. That the order, such as it was, had been transmitted, not by the Tycoon, but by an act of treachery on the part of persons about the Mikado, and without competent authority.

2ndly. That it did not order the Prince to fire upon foreign ships, and the proof that such was not its proper meaning might be found in the fact that although a similar order was communicated to all the other Daimios, he alone had put that interpretation upon it, because it suited his own designs.

To this the American Minister replied that, although, it was true the order was not in express terms to fire, yet as it declared the intention of the Tycoon to cease all intercourse with foreigners on the 20th of June, 1863, the Prince might naturally draw the inference that he was expected to treat them as enemies.

Takemoto replied, that such acts were contrary to the Tycoon's wish was further established by his sending down an Aide-de-camp at once to cause the Prince to stop firing; and this emissary was murdered in the territories of Choshu.

As to the appearance of double dealing on the part of the Tycoon's Government, on the one side concerting measures for the closing of the port of Yokohama, and on the other for maintaining the Treaties in their integrity, the Tycoon had hitherto been, as the Representatives well knew, in a position to make something of this kind unavoidable, in the interest of foreigners as well as for his own sake; since had he openly refused to carry out the orders received from the Mikado for the expulsion of foreigners, he was liable to be deposed, and his dynasty might be destroyed. Now, however, that the Prince of Nagato had been defeated by the allied expedition, there was certainly a great opportunity for putting an end to whatever was ambiguous in the position of the Tycoon, as regarded the foreign Powers. But in furtherance of such end it was essential that the allied squadron should be recalled to prevent all chance of collision with other Daimios, and new complications arising.

The American Minister then observed that it was evident from the tenor and urgency of this demand, which Takemoto had been no doubt instructed to make, that the Tycoon was still inclined to pursue the policy of conciliating the hostile party; whereas he now occupied a vantage ground, secured for him by the action of the Treaty Powers, which relieved him from such subservience. He was no longer under the necessity, which it was pleaded had hitherto controlled his free action, of presenting one face to the Treaty Powers, and another to his own subjects. The power of the hostile party was now broken, and the Tycoon was able to act with security. He would accordingly be expected to prove his good faith, by strictly observing the engagements entered into by Treaties, and no longer holding out expectations of their modification. The Tycoon must know by this

time that such modifications as the hostile party contemplated would never be acceded to. So far as the Tycoon was concerned, the Representatives present had indeed the assurance that they were only asked for the purpose of gaining time, and not with any hope of ultimate concession. The temporizing policy hitherto followed, however, had greatly aggravated the evils which the Tycoon professed to be desirous of remedying; and the safest course, as well as the wisest, would now be found in a faithful observance of Treaties, without pretence at negotiations for their modification, or apparent concessions to those who only sought their entire nullification.

Takemoto said, that believing with foreign Representatives the present time very favourable for efforts at Kioto to place the relations of Japan with foreign countries on a better footing, he was all the more anxious that the fleet should immediately return, and especially that no troops should be left to occupy any post in the Inland Sea, lest new complications or collisions should arise, which might seriously interfere with the success of efforts now to be made.

The British Minister replied that it had been determined by common consent to keep an effective hold upon the Straits until satisfactory arrangements were entered into by the Tycoon's Government, both as to the navigation of the Inland Sea and the better maintenance of Treaty rights generally. Either the Tycoon must find the means of bringing the Mikado and hostile party of Daimios in accord with him for the maintenance of Treaties, or the Western Powers might find themselves compelled to go beyond the Tycoon, and enter into relations with the Mikado. It had been already suggested that a new order of things might at once be established if the Tycoon would take advantage of the recent blow dealt to the Sako party, in the person of Choshu. Advantage might also be taken of the intimation now conveyed, that unless some agreement could be come to on the subject of Treaties between the various conflicting Powers in Japan, foreign States might, however reluctantly, find themselves compelled in self-defence to take steps which would bring them in more or less direct relation with the Mikado and those Daimios who had hitherto supported him in a hostile course of action. Hitherto the Tycoon had always been considered as the Treaty-making Power in Japan, and the sole Representative of Government in relation with foreign States. But if it continued to be demonstrated that the Tycoon had not the necessary authority, and was so completely overruled by a superior power in the State as to be unable to prevent or resist orders for the rupture of Treaties, however well-disposed he might be to maintain them, foreign Powers would sooner or later have no alternative but to seek this superior Power in the State, and make their own terms.

Takemoto Kai no Kami observed, that agreeing in much which had been suggested, he was, nevertheless, not in a position to make any definite answer in so grave a matter. He would, therefore, at once proceed to Yeddo to report all that had been said. In the meantime he must still urge the importance of immediately recalling the fleet, to prevent all chance of new collisions.

The French Minister wished to ask Takemoto two or three questions. And first, if the Tycoon could now obtain the full concurrence and support of the Mikado in the maintenance of foreign relations and existing Treaties, would the Tycoon then find it possible to give them full effect, and to deal with any recalcitrant or rebellious Daimios, now especially that Satsuma and Choshu, two of the most powerful, having tried their strength against foreign Powers and failed, were no longer hostile?

Takemoto answered without hesitation yes, certainly.

The French Minister then asked whether it would not be very inconvenient to the Mikado to receive the foreign Representatives in Kioto?

Takemoto smiled and said, undoubtedly it would be very inconvenient.

Then, continued the French Minister, would it not be much better for the Tycoon to profit by this opportunity, so happily afforded by the recent defeat of the Prince of Nagato, and the great discouragement it must be to the Sako party, and prevent any necessity arising for such a step?

To which Takemoto replied also in the affirmative, observing that such indeed would be the desire of the Tycoon, and he, Takemoto, would immediately hasten to Yeddo, that the Gorogio and Tycoon might be informed without delay of all that had passed, and of the whole bearing of the important events which had taken place in the Straits.

The British Minister summed up by saying it was desirable the high officers now present should return to Yeddo impressed with two leading facts:—First, that the time had arrived for a total and radical change of policy on the part of the Tycoon in respect to the Sako party and the foreign Powers; abandoning all

attempts to temporize with and conciliate the former by seeming to consent to measures for the expulsion of foreigners one day, or by the stoppage of the trade another.

This, it was observed incidentally by the Representative of the Netherlands, had been done in regard to the silk coming to this port quite recently, and it ought to be allowed to come forward at once as a first indication of this change of policy.

Takemoto replied affirmatively, and that steps were being taken to that end.

And, secondly, the British Envoy then continued, he trusted they would leave this Conference with the conviction that it was impossible for foreign Powers any longer to let their Treaty rights and material interests in the country be perpetually damaged and sacrificed between the two conflicting authorities of the Mikado and Tycoon. It followed, therefore, that either the Tycoon must find means to reconcile the two, and successfully assert his power to execute the Treaties fully, or measures must be taken into the consideration of foreign Governments for arriving at a satisfactory result by other means than representations to the Tycoon, courteously listened to always, but wholly inoperative.

In the meanwhile, anxious to give every support to the Tycoon in his efforts tending to this end, desirous of avoiding any cause of embarrassment that might interfere with his action in this direction, willing even to strengthen Takemoto's hands in the arduous work on which he had now been employed, he might go back to the Tycoon with the assurance that the Admirals would speedily return with the greater part of the force, and no permanent position would at present be taken on shore to command the Straits. On the other hand, having at no slight cost obtained such important results as the removal of all the impediments to the free navigation, and the submission of the Prince of Nagato, it was out of the question their immediately relinquishing these material and political results, or exposing them to any jeopardy. A certain number of ships, therefore, would remain in the vicinity of Shimonasaki to secure the free passage and strict maintenance of the terms on which peace would be granted to the Prince.

The American Minister observed, further, that it would be a question now whether, after the past experience, it was not essential to prevent the liability of the Straits being closed at the caprice of any single Daimio.

To do this effectually, it might be necessary that so much of the territories of the Prince as should be required to secure foreign trade henceforth from any such contingency should be imperialized, and made over to the Tycoon's keeping. Whether also Shimonasaki, or some other port in its vicinity, should not be made a port for foreign trade, was matter now for deliberation. As some indemnity for the sacrifices made by the four Treaty Powers to secure the removal of the long existing obstruction, and the injury done to foreign trade during the past fifteen months, the four Treaty Powers might reasonably require it from the Tycoon; and the Tycoon himself might be disposed to make this arrangement of his own accord, and the more willingly that there was reason to believe this concession, if now insisted upon by the Admirals, could be at once obtained from the Prince of Choshu, as Daimio of the province.

The British Minister observed, in conclusion, that it would be necessary for the Representatives then present to confer, in person, with the Gorogio on this and other important matters connected with the present aspect of affairs. These subjects were distinctly mentioned now, therefore, that when the meeting took place the members of the Gorogio might not be taken by surprise, and require time for deliberation, but be prepared at once to enter into the discussion of the proper measures to be taken.

Takemoto Kai no Kami said he perfectly understood all that had been said, and, with his colleagues, he would hasten back to Yeddo to render an account of his mission.

The Conference was then closed.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan.*

LEON ROCHES, *Minister Plenipotentiary of France in Japan.*

R. H. PRUYN, *Minister Resident of the United States in Japan.*

D. DE GRAEFF VAN POLSBROEK, *His Netherlands Majesty's Consul-General and Political Agent in Japan.*

Sir R. Alcock to Earl Russell.—(Received November 27.)

(Extract.)

Yokohama, September 28, 1864.

IN reference to the Convention entered into by Vice-Admiral Kuper, by which it was stipulated that the Prince of Nagato should pay a ransom for Shimonasaki, and an indemnity to cover all the expenses of the expedition, the Tycoon's Government has offered to take upon itself the whole of the claims preferred by the four Treaty Powers for the past acts of aggression on the part of the Prince of Choshiu, and either to liquidate such amount as shall finally be agreed upon, or open a port—Shimonasaki or some more eligible port in the vicinity of the Straits—at the option of the Treaty Powers.

I shall be glad to receive your Lordship's instructions upon this point, and, in the meantime, no indemnities will be exacted by me, nor, I think, by any of my colleagues. It may be necessary, in the progress of negotiations, to fix some amount provisionally as due or payable, in order to show what material advantages will accrue to the Tycoon by its not being exacted in money payment. But I do not propose to go further until I have heard from your Lordship what are the views of Her Majesty's Government.

I can only say that, if the result of these negotiations should be the ratification of the Treaties by the Mikado, and their acceptance by him and the Daimios who now render all peaceable or profitable relations both difficult and precarious, it would be worth more to Great Britain, and all Treaty Powers having any material interest here, than many millions of dollars, or any sum that could be extorted from the Tycoon. For while, ostensibly, we regard him as the Treaty-making Power, will not admit any question of his competency, and hold him responsible for its execution, it is palpable, by many years' past experience, that, without the concurrence and the participation of both Mikado and Daimios, neither peace nor trade can be preserved, and the Treaties will continue to be inoperative and delusive.

No. 69.

The Secretary to the Admiralty to Mr. Hammond.—(Received November 27.)

Sir,

Admiralty, November 27, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you the copy of a despatch from Vice-Admiral Sir Augustus Kuper, dated the 30th of September last, reporting the return of the allied squadrons to the Gulf of Yeddo, after the conclusion of the operations in the Straits of Shimonasaki.

I have, &c.

(Signed) JAMES SCOTT, *pro Sec.*

Inclosure in No. 69.

Vice-Admiral Sir A. Kuper to the Secretary to the Admiralty.

*"Euryalus," at Sea, off the entrance to the Gulf of Yeddo,
September 30, 1864.*

Sir,

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, the return towards the Gulf of Yeddo of the allied squadrons recently engaged in operations in the Straits of Shimonasaki.

2. It having been considered advisable by Rear-Admiral Jaurès and myself that the whole force should proceed through the Inland Sea to be prepared to resist any attempt that might be made by hostile Daimios to obstruct the passage of that sea in the neighbourhood of their respective territories, the squadrons accordingly proceeded by that route. A few batteries were passed, but no symptom of hostility was anywhere displayed, and the squadrons having appeared off Hiogo and Osaka, left the Inland Sea on the 27th instant by the Kii Channel.

3. No great difficulty was experienced in taking the ships through the Inland Sea, except in the vicinity of Awa Sima, where two tides meet, and which requires to be more carefully surveyed, as many knolls of mud have been thrown up, it is

supposed by the meeting of the tides, in positions in which deep water is marked on the chart.

4. The "Conqueror" unfortunately grounded on one of these knolls, and remained for about twenty-four hours, when she was towed off by the "Leopard" and "Argus," after the removal of her upper-deck guns and shot. The "Leopard" and "Cormorant" also touched the ground slightly, but, from the extreme softness of the bottom, it is not apprehended that any of these vessels have received the slightest injury: they will, however, be carefully examined by the diver.

5. As I acquainted their Lordships was my intention, I have left in the Straits of Shimonasaki the "Barrosa," the French screw despatch-vessel "Tancrède," and the Dutch screw corvette "D'Jambi," with instructions to remain there until the 5th proximo, to prevent any infraction of the Convention for the termination of hostilities.

After the 5th proximo these vessels will return to Yokohama, as I do not consider it expedient or necessary, under existing circumstances, to establish a naval station in those Straits.

6. From the time of leaving the Kii Channel on the 27th instant to the present moment we have experienced a succession of heavy gales, during which the ships have been dispersed, but they are all now approaching the entrance to the Gulf of Yeddo.

I have, &c.
(Signed) AUGUSTUS L. KUPER.

No. 70.

Earl Russell to Sir R. Alcock.

Sir, *Foreign Office, December 2, 1864.*
I TRANSMIT herewith, for your information, a copy of a despatch which I have addressed to Her Majesty's Representatives at Paris, the Hague, and Washington,* instructing them to express to the Governments to which they are accredited the sense entertained by Admiral Kuper of the important services rendered on the occasion of the operations in the Straits of Shimonasaki by the French and Dutch squadrons, and the officers and men detached from the United States' corvette "Jamestown," respectively.

I am, &c.
(Signed) RUSSELL.

No. 71.

Earl Russell to Sir R. Alcock.

Sir, *Foreign Office, December 2, 1864.*
YOUR despatch of the 28th of September is a successful vindication of the policy you have pursued.

My despatches of the 26th of July were written with a view to discourage the interruption of a progressive trade by acts of hostility, and to forbid recourse to force while the Treaty was generally observed. Those despatches you will understand remain in full force.

But the documents you have sent me, which arrived by the last mail, show that the silk trade was almost wholly interrupted by the Tycoon, who seemed to be preparing to abet or to abandon the project of driving out foreigners according to the boldness or the timidity of our demeanour.

In this position there could be no better course than to punish and disarm the Daimio Prince of Nagato.

That course had these three separate advantages:—

1. It gave the best promise of concurrence of the four Powers, as France, Holland, and the United States had all been sufferers from the Prince of Choshu's violations of Treaty, while we were most exposed to risk and loss by any Japanese attack on Yokohama.

2. It involved proceeding only against a rebellious vassal, and not against the Mikado or the Tycoon.

3. If the operation should prove successful, the four Powers were under no obligation to undertake further hostilities unless fresh provocation should be received.

Her Majesty's Government have received with great satisfaction the account of the naval operations of the four squadrons and their result, contained in your despatch of September 28. Those operations were conducted in the most gallant manner; the loss was not considerable; the four Powers acted in harmony together; no defenceless city suffered during the hostilities; and the terms granted to the offending Daimio were moderate towards him, and sufficient for us.

I have only to add, that I am commanded to express to you Her Majesty's full approbation of your conduct.

I am, &c.
(Signed) RUSSELL.

No. 72.

Earl Russell to Sir R. Alcock.

Sir,

Foreign Office, December 3, 1864.

IN your despatch of the 28th of September, you requested to be instructed as to whether, in lieu of any pecuniary ransom for the town of Shimonasaki, and of any indemnity to cover the expenses of the late expedition against the Prince of Nagato, Her Majesty's Government would be willing to accept the opening to foreign trade of the port of Shimonasaki or of some more eligible port in the vicinity of the Straits; and I have to acquaint you in reply that Her Majesty's Government are willing to renounce any money payment if greater or equal advantages can be secured by stipulations to be obtained from the Tycoon or the Mikado.

I am, &c.
(Signed) RUSSELL.

No. 73.

*Earl Russell to Earl Cowley.**

My Lord,

Foreign Office, December 3, 1864.

I TRANSMIT to you herewith for communication to the French Government, copies of Sir Rutherford Alcock's despatches on the late events in Japan.†

Her Majesty's Government having considered these despatches, I have signified to Sir Rutherford Alcock, in the despatch of which I also inclose a copy,‡ and which you will equally communicate to the Imperial Government, Her Majesty's gracious approval of his conduct.

As regards the future policy to be observed in dealing with the Japanese Government, Her Majesty's Government think it advisable to await the result of the negotiations which at the date of Sir R. Alcock's despatches were still in progress between the Representatives of the Treaty Powers and the Ministers of Tycoon, and perhaps the arrival of Sir R. Alcock in England, which may be expected in a few weeks, before taking any definitive decision on the subject; but in the meanwhile Her Majesty's Representative in Japan will be apprized, with reference to Sir R. Alcock's despatch of the 28th of September, that Her Majesty's Government are willing to renounce any money payment on account of the forbearance shown by the allied forces in dealing with the town of Shimonasaki, and on account of the expenses of the expedition against the Prince of Nagato, if greater or equal advantages can be secured by stipulations to be obtained from the Tycoon or the Mikado.

You will observe that in the despatch to Sir R. Alcock he is instructed that the despatches of Her Majesty's Government of the 26th of July remain in full force.

I am, &c.
(Signed) RUSSELL.

* Similar despatches were addressed to Sir J. Milbanke and Lord Lyons.

† Nos. 66, 67, and 68.

‡ No. 71.

Sir R. Alcock to Earl Russell.—(Received December 13.)

(Extract.)

Yokohama, October 15, 1864.

WITHIN a few days after the return of the squadron to this anchorage, I agreed with my colleagues to proceed to Yeddo and meet all the Members of the Gorogio in conference. It was essential, if we would not lose all the best fruits of our success at Shimonasaki, to come to a definite understanding with the Tycoon's Government at once, while the impression was fresh, and place our trade and diplomatic relations upon a better footing, more especially, perhaps, the former, in which there was much room for improvement.

We arrived on the 5th, accompanied by several ships of the squadrons, British, French, and Dutch; and on the 6th had a long interview.

The Ministers of France and the United States of America in concert with me, had each prepared a letter, in which we respectively addressed the Tycoon, dwelling upon the gravity of the situation, and urging upon him the importance of profiting by the present favourable conjuncture of circumstances to obtain the ratification of the Mikado, and a complete reversal of the hostile policy hitherto persisted in by him and a large party of Daimios. The letters were delivered in person to the Foreign Minister, acquainting him with the contents. They are nearly identical, except that the American Minister inserted a paragraph to show the Tycoon we held our rights under the Treaties to be irrespective of any such ulterior ratification.

Inclosure 1 in No. 74.

Memorandum of Conference held at Yeddo, on the 6th of October, 1864, at the residence of the Minister Makino Bizen no Kami, between the undersigned Representatives of Treaty Powers and the Gorogio representing the Government of the Tycoon.

Present :

Sir R. Alcock, K.C.B., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary ;

M. Léon Roches, Minister Plenipotentiary of His Imperial Majesty the Emperor of the French ;

Robert H. Pruyn, Minister Resident of the United States of America ;

D. de Graeff van Polsbroek, Consul-General and Political Agent of the Netherlands ;

And the following Members of the Gorogio :

Midzuno Idzumi no Kami ;

Makino Bizen no Kami ;

Suwa Inaba no Kami ;

And the Members of the Second Council :

Sakai Hida no Kami ;

Tachibana Idzumo no Kami ;

Also the Governors for Foreign Affairs ; and

Takemoto Awaji no Kami, Confidential Agent of the Tycoon, and Principal Governor for Foreign Affairs.

THE British Minister informed the Gorogio that in all the observations he had to offer for their consideration upon this occasion, he should speak, not in his own name only, but as conveying the opinion of his three colleagues also. It was more essential this should be understood, for they were now assembled under no ordinary circumstances. The critical situation of affairs in Japan, and the important interests at stake, made it imperative that a decision should be taken without delay as to the foreign policy of the country, and upon that decision must very much depend the possibility of maintaining good and friendly relations with the Treaty Powers.

The first Minister of Foreign Affairs, Midzuno Idzumi no Kami, replied that the members of the Gorogio were fully impressed with the gravity of the situation. They hoped, however, that it would be possible to arrive at a peaceful solution of all the questions on which they had hitherto been at issue.

The British Minister in adverting to the recent destruction of all Choshu's defences and his total defeat, observed, that it must now be manifest no hostile Daimio was strong

enough to resist such forces as the Treaty Powers could command. And from this conviction the four Representatives hoped much good would result. At Kagosima and Shimonasaki proof had now been given that the Treaty Powers both could and would vindicate their rights by the sword, when either the lives or the trade of their subjects were attacked. Neither hostile Daimios of the Sako party, the Mikado himself, nor the Tycoon could any longer be under the illusion that a hostile policy towards foreign Powers might be carried out with impunity, or, indeed, without entailing all the calamities of a general war, and a conflict with Western Powers in which Japan could not hope to be victor. In the meantime they had first to consider the position of affairs in respect to the Prince of Nagato. This Daimio, after a series of unprovoked aggressions on foreign ships, and continuous interruption of trade by every kind of violence, had been punished, his batteries dismantled, and the guns employed in such outrages taken away from him. Finding his utter powerlessness in the face of such a force as had been sent against him, he had promptly sued for a cessation of hostilities, and entered into a Convention with the Admiral commanding in chief to pay all the expenses of the expedition, together with any indemnities to be claimed for his aggressions on foreign flags since the beginning. The first thing to be ascertained was whether the Tycoon would undertake to meet these claims and liquidate them as agreed upon by the Prince of Nagato.

The Japanese Minister replied that Choshu was going to be punished for his offences against his own Sovereign. His territories would be confiscated, and out of his estate the expenses of the expedition would be defrayed.

The British Minister observed that this did not meet his question; would the Tycoon take upon himself the responsibility of carrying out the Convention in regard to the payment of all indemnities? If so, the engagement must be wholly irrespective of the result of any operations of the Tycoon against Choshu, which might be long delayed, or incomplete in their results. Choshu had also expressed his willingness to allow trade to be carried on at Shimonasaki, and it seemed, therefore, only to rest with the Tycoon whether this port might not at once be opened. Without, however, insisting upon this point at present, the Representatives must have a formal and unconditional engagement from the Government of the Tycoon to meet all the claims for indemnities against Choshu, or they must of necessity look to him to fulfil his engagements.

The Japanese Ministers, after some consultation among themselves, replied that the Tycoon's Government would unconditionally undertake the engagements of Choshu as to the payment of all indemnities. As to the opening of the port of Shimonasaki, it would be impossible for them to return any answer until they knew the result of a mission with which Abé Bungo no Kami, the absent member of the Gorogio, had been charged, and who was then at Kioto.

The British Minister observed that the root of all evil in respect to foreign relations was the want of accord between Mikado and Tycoon, and that the time had now arrived when the ratification of existing Treaties by the Mikado could no longer be deferred. He trusted this was the object of Abé Bungo no Kami's mission.

The Japanese Minister replied, "We cannot give you any promise on this point, but every effort will be made on our part to obtain the Mikado's ratification. We perfectly agree with you that it should now take place."

The British Minister, after communication with his colleagues, stated as their united opinion that something more definite within a fixed period should be promised.

The Gorogio was then informed that in view of the gravity of the situation, and the absolute necessity for some immediate resolution in regard to the foreign policy of Japan, each of the foreign Ministers had felt it his duty to address a letter to the Tycoon, which they requested might be at once delivered.

The Japanese Ministers replied that the letters, which were now placed in their hands, should be at once delivered.

Inclosure 2 in No. 74.

Sir R. Alcock to the Tycoon of Japan.

Yeddo, October 5, 1864.

Sire,

AT the present moment, when a grave resolution is about to be taken of a nature to influence the relations of your country with foreign Powers, I conceive it is my duty, as the Envoy Extraordinary and Minister Plenipotentiary accredited by my Sovereign to your Majesty, to submit for your appreciation the following observations bearing upon the

actual situation, in order to define with precision the real questions at issue, which it is becoming each day more urgently necessary to solve in a satisfactory manner

The experience of the last few years has abundantly manifested that there exists a want of accord on the subject of foreign relations between the Mikado and Tycoon. Public proclamations and official declarations of the members of the Gorogio to the foreign Representatives have otherwise placed this fact beyond all doubt.

The Mikado, requiring the abrogation of Treaties, has reduced the Tycoon to the alternative of either disobeying his legitimate Sovereign, or bringing on his country all the calamities of a war against four of the greatest Powers of the West. For to annul Treaties entered into with them without their consent is to declare war.

The Tycoon, desiring to avoid both these fatal contingencies, has hitherto sought a solution of the difficulty by half measures, equally distasteful to the Mikado and foreign Powers.

Hence to the formal demand for the abandonment of Yokohama and the hostile acts of Daimios forming a Sako party, the Treaty Powers have replied by the despatch of military and naval forces adequate to the protection of this port and the destruction of the batteries and defences of the Prince of Nagato.

The Mikado can no longer be under any illusion, therefore. If he continue to desire the abrogation of Treaties he must also desire war.

It is for the Tycoon, who knows all the dangers of the situation, to anticipate and prevent the fatal consequences. The time for half measures has passed irrevocably. The four Great Powers, having material interests in Japan, can no longer suffer their own dignity and the interests of their subjects to be continually called in question.* A solution of the difficulty has become indispensable; and the only one that promises either peace or security is the ratification of the Treaties by the Mikado.

This act, which offers the only guarantee which the Treaty Powers can accept, will put an end to a situation becoming each hour more pregnant with danger.

This basis once laid, it would be easy to come to a mutual understanding as to the reconstruction of the rest of the edifice and the maintenance of good relations.

It is with the view of indicating this solution, Sire, and above all to lead you to comprehend that it ought to be immediate, that I have determined, after communication with my colleagues, to address this letter personally to Your Majesty, persuaded that the frankness and loyalty of its language, if listened to, will avert the calamities which must result from a continuation of the policy hitherto followed in regard to foreigners by the Government of your Majesty.

With the highest respect, &c.

(Signed)

RUTHERFORD ALCOCK.

No. 75.

Sir R. Alcock to Earl Russell.—(Received December 13.)

(Extract.)

Yokohama, October 15, 1864.

I AM happy to be able to report, as one of the results of the operations of the allied squadrons at Shimonasaki, and the subsequent Conference with the Gorogio at Yeddo, that the stoppage of silk to this port, which has been persevered in for more than three months to the great injury of our trade, has ceased; and during the past week some 3,000 bales have come in freely. This material fruit of victory was not however obtained, I am sorry to say, without further and vigorous effort on my part and on that of my colleagues, even after the most explicit and reiterated assurances given by the Members of the Gorogio during the Conference at Yeddo.

I believe this is partly to be accounted for by the fact adverted to in the inclosed letter on the subject from Mr. Consul Winchester with its inclosure. I transmit it, moreover, as giving a curious history of the utterly unscrupulous way in which this Government and its officials think themselves at liberty to proceed whenever they have an adequate object to gain, or where the interests of the Tycoon and the trade of foreigners are, or seem to be, at variance.

I believe Mr. Winchester is not far wrong in attributing to them, in connection with this protracted stoppage of the silk trade, a gigantic scheme of monopoly, which the Government proposed to work through certain licensed guilds in the capital, and a scheme for drawing within their control the whole foreign trade, import as well as export. This would have been to establish the old cohong system of Canton, which it took a great war

of three years to destroy. I have reason to conclude some analogous project was really conceived in high places.

To defeat such an attempt and render it wholly abortive, for the present at all events, even if we have not succeeded in convincing them of the futility of all such designs in future, is not, I conceive, the least valuable or important of the first fruits gathered from the successful assertion of the rights conferred by Treaty at Shimonasaki.

Inclosure 1 in No. 75.

Consul Winchester to Sir R. Alcock.

Sir,

Kanagawa, October 6, 1864.

MR. L. A. JOSEPH, agent of the well-known Indian firm of D. Sassoon, Sons, and Co., yesterday made to me the following complaint:—

That the Japanese officers had arrested at the village of Omoku (lying beyond Treaty Point) a boat laden with 230 bales of raw silk on which he had made advances, the silk in question having been shipped by Nakeiyah, the commercial agent of the Prince of Satsuma, and marked with his seal.

I at once wrote to the Governor a communication setting forth Mr. Joseph's statement, claiming the release of the silk and holding him responsible for its detention, as being contrary to Treaty.

In a few hours the Vice-Governor called at the Consulate, and requested to be informed in what respect I considered the Treaty violated by the arrest of this boat. My reply was at once to point to the XIVth Article of the Treaty, first paragraph, as the same had been further explained by the agreement made between the First Envoys and the Foreign Secretaries at Paris and London.

I added that the course now pursued by the Tycoon's Government of attempting to create a monopoly, with the object of levying a duty of 5s. per catty, was clearly illegal.

The Vice-Governor then asked me for a statement of Mr. Joseph's precise interest in this silk, remarking that the Governor would repay his advances, and the silk be sent back to Yeddo. The persons who had brought the silk had violated the regulations, and were liable to punishment.

The return of Mr. Joseph's advances, I observed, did not cover his whole interest in this shipment. This mercantile arrangement had been made with reference to the fulfilment of this contract. What I claimed was the release of the vessel, and the conveyance of the silk to Mr. Joseph's godown. I had no objection to give a statement of Mr. Joseph's exact interest, and would send it forward in the course of the day.

The Vice-Governor continued, that the silk was introduced contrary to regulations established by the Japanese Government, and the parties so acting were punishable; also that the British merchants had been duly warned through Captain Vyse not to make advances to the Japanese.

To this I rejoined the statement that such regulations having for their object the monopoly of the trade, and an imposition of the duty of 25 per cent. in addition to the 5 per cent. leviable by Tariff, were in direct contravention of the Treaty; that the detention of produce belonging to a Daimio was opposed to the agreement come to by their own Envoys, and the warning given by Captain Vyse against the system of advances was grounded on the chances of the Japanese merchants failing in their engagements from inability or want of faith, not from the restrictive action of the Japanese Government.

For three months no silk had been allowed to come to this market; during that time the prices in Europe had been rising. The anxiety to obtain produce may have led to imprudent advances, but that was a risk all merchants understood and were ready to stand by.

The Vice-Governor left me, continuing to state that parties breaking the rules were liable to punishment.

Afterwards I informed the Governor that the interest in the detained silk consisted of an advance of 5,000 dollars on a contract for 150 piculs.

No clearer evidence can be desired than what is afforded by the facts above detailed that the influence of the Sako party, or the desire of conciliating it, has not been the sole cause of the restrictions on silk; and that it has been a question between the Tycoon's Administration and those of the Princes as to how much the former can exact, and how little the latter can get off with paying.

The circumstances also show the importance of defeating the gigantic scheme of monopoly which the high authorities of Yeddo have devised, and which they propose to

work through the rich guilds in the capital—a scheme embracing not only silk, but cotton and tea also, and including in its scope the purchase of woollen and cotton manufactures.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

P.S.—The following reply to my letter representing Mr. Joseph's complaint aptly illustrates the Japanese notions of their obligations under Treaty.

C. A. W.

Inclosure 2 in No. 75.

The Governor of Kanagawa to Consul Winchester.

(Translation.)

I TAKE the liberty to answer your letter dated the 5th of the 9th month (5th October), in which you desire our intervention for the release of the silk concealed in the Japanese junk at Omoku village, and on which your merchant Joseph has made an advance.

It has just come to our ears that another junk laden with goods intended to be smuggled has anchored off the coast at the village of Tsurumi. I have inquired into the affair, and discovered the fraud, and at this moment it is under further investigation.

You will thus see that I do not consider such things to be violations of the Treaty.

No one has named to us the commercial agent as a party at Satsuma in the matter. If Mr. Joseph has made the advance to such an unreliable person, it will be for you to deliver him into our custody.

Furthermore, as it is an infringement of the agreement made by us with your predecessor, Mr. Consul Vyse, that any advance should be made by your merchants to ours, the advance will, if it has really been made, be repaid to Mr. Joseph after our investigation is completed; and with this view I have to request that the goods which Mr. Joseph has already received be delivered up to us.

With respect and consideration.

7th day, 9th month, 1st year Gengi (October 7, 1864).

(Signed) TOKI OSUMI NO KAMI.

No. 76.

Sir R. Alcock to Earl Russell.—(Received December 13.)

My Lord,

Yokohama, October 15, 1864.

ON the 10th instant Her Majesty's ship "Barrosa" returned from the Straits of Shimonasaki, where she had been temporarily left by Vice-Admiral Kuper when he took his departure, bringing a Karo (or Minister) of the Prince of Nagato accompanied by three officers. They had been sent by the Prince as Envoys, on a mission to the foreign Representatives here, to explain, or in other words make some excuses, for the previously hostile action of their master; and to claim consideration and indulgence in respect to the indemnities and expenses of the expedition, which the Prince in his Convention with the Naval Commander-in-chief had agreed to pay as the price of a cessation of hostilities on the part of the allied squadron.

The last was no doubt the principal object of the mission. I inclose herewith a memorandum giving an account of what passed at an interview, which I thought it expedient under all the circumstances to give to the Karo. It will be seen that I received the excuses he was instructed to offer for past hostilities, and the assurances of the Prince's desire to maintain peace and friendly relations, with the counter assurance that neither I nor my colleagues had ever desired any other result. And now that Treaty rights, and the inviolability of their flags had been satisfactorily vindicated by the destruction of the batteries which had been employed to fire upon our ships and stop foreign trade, and the Prince had engaged to keep the Straits free and maintain friendly relations, there need be no further difficulties. As regarded the four Treaty Powers, I could undertake to assure him on the part of my colleagues, as on that of Her Majesty's Government, that there was no feeling of enmity against either the Prince or his people. We were at peace with him and the whole of Japan, and desired to continue so without interruption.

In regard to the question of indemnities, our relations as Representatives of foreign Powers were with the Tycoon and his Government, not with individual Daimios. If we had departed from this rule of international usage in the case of the Prince of Satsuma,

and more recently the Prince of Nagato, it was only exceptionally, and because their own independent action of a hostile nature, and the inaction of the Tycoon's Government, had left us no alternative but to resort to exceptional measures to obtain redress and vindicate our rights. Now that these abnormal acts on both sides were at an end, we reverted to our natural position in relation with the Tycoon's Government, and had called upon them to accept the responsibilities contracted by the Prince of Nagato, and take upon themselves the liquidation of all claims for indemnity. This had been at once acceded to by the Gorogio, and, therefore, no further question remained on this head to be discussed between the Prince and the foreign Representatives.

For some details as to the position of the Prince in respect to the Mikado and Tycoon, not without importance in their political bearing, and as throwing some light on the present situation, I must refer your Lordships to the inclosed memorandum.

I had the advantage of the presence of the American Minister resident during part of the interview, and he has accordingly signed the record of what passed.

The Karo and the rest of the Mission left this harbour yesterday in Her Majesty's ship "Tartar," for the Prince's territories.

I have, &c.
(Signed) RUTHERFORD ALCOCK.

Inclosure in No. 76.

Memorandum.

IBARA KAZUYE, a Karo of the Prince of Nagato, accompanied by three officers, having applied for a passage in one of Her Majesty's ships returning from the Straits of Shimonasaki, in order to communicate with the Representatives of the Treaty Powers at Yokohama, the above officer arrived on board Her Majesty's ship "Barrosa" on the 10th of October, 1864, and the same day the first Karo and his first Councillor Sungi Tokuské Soa Sei were received at the British Legation at a private interview by Her Majesty's Envoy Extraordinary and Minister Plenipotentiary. The Minister Resident of the United States of America joined shortly after the interview began.

The Karo presented his credentials in the form of a letter signed by the Prince of Nagato (copy annexed) stating that peace having now been established in the waters of Shimonoseki, he had despatched Envoys to Her Majesty's Minister to pay his respects, and he requested that they might be received and given a hearing.

The chief Envoy, Ibara Kazuyé, stated that the Prince, his master, had desired him to express his regret that hostilities had taken place between his people and the foreign Powers; in the course he had taken, however, he had only been obeying orders, the orders of the Mikado and Tycoon both. But now that peace had been established, the Prince was anxious it should be maintained, and it was his firm resolve to do his best to prevent any interruption of existing relations. In the mean time the Karo had it in command to represent the impoverishment of the Prince by reason of the enormous expenditure incurred throughout his provinces by warlike munitions, defences, and other preparations for war, which the orders of the Mikado and Tycoon had entailed. In reference, therefore, to the indemnities claimed for the expenses of the expedition the ransom of Shimonasaki, &c., the Prince trusted the foreign Representatives would take into consideration the extreme difficulty he would find in raising any large sums.

The Envoy was informed in reply, that as regarded the excuse offered for a long continued series of hostile acts on the part of the Prince, namely, that he had orders of both the Mikado and Tycoon, the Prince must know very well that this was denied by the Tycoon, and, it was believed, by the Mikado also.

The Envoy observed that textual copies of the Orders had been given to the Admirals.

This, it was replied, did not materially alter the case; for those orders, although they communicated a decision of the Mikado and Tycoon to interrupt relations and cease all intercourse with foreigners from a given date (June 20, 1863), did not explicitly order any Daimio to fire upon foreign ships without notice or warning. And the proof that such was not the necessary reading of the order was to be found in the fact that no other Daimio had so interpreted it, or commenced hostilities.

The Envoy replied, on the other hand, the fact that the Mikado ten days after the first hostilities had commenced sent an Envoy to the Prince entirely approving of his conduct.

The Tycoon, at all events, it was remarked, had taken steps to stop hostilities, and had sent an Envoy to tell the Prince he had misinterpreted his orders; but the Envoy was

illed in Choshu's territories, and the hostile action continued. If the Prince had in the beginning merely mistaken his instructions, by over zeal and willingness to carry out the will of the Tycoon, why did he persevere?

The Envoy replied his master had no wish to impute blame to the Tycoon, but the fact was the Mikado never revoked his orders, and the Tycoon in the beginning had approved. When the foreign Representatives sent down two of the Prince's people by the Queen's ships in August with written communications, the Prince immediately despatched his son to Kioto to induce the Mikado to recall his orders. Unfortunately some disturbances arose there, excited by Yonins, in which the Karos and people of the Prince got mixed up, and so no access could be gained to the Mikado, and thus the Prince's good intentions in respect to foreigners had been frustrated. Thus the Prince had been sacrificed, and when the fleet came he fought as was his duty, but knowing very well he could not single-handed cope with the foreign Powers.

It was observed in reply that a different version of the whole affair had reached the Representatives, and if the Karo's was the correct one it must be admitted the Prince was a very unfortunate man. But as regarded the indemnities the Representatives had taken steps which left no further question on that head between the Prince and them. As Representatives of Treaty Powers they were accredited to the Tycoon and treated only with his Government in all ordinary circumstances. That they had taken action with the Prince himself arose entirely from the exceptional conditions in which they were placed. It was the Tycoon's business and his duty to have put an end to such hostile action at once, and afforded full redress. The Tycoon's inaction, from whatever cause proceeding, having lasted over fifteen months without any reasonable hope of change or improvement, the Treaty Powers had been compelled to do themselves justice and open the Straits with their own forces. That once done and the Prince having sued for a cessation of hostilities and entered into engagements to keep the peace and give no further cause of complaint, the relations of the foreign Powers reverted to their usual course. The Representatives had accordingly informed the Tycoon's Government of what had taken place and the engagements entered into by the Prince, demanding to be informed if the Tycoon was prepared to take upon himself these engagements and pay the indemnities and expenses to be recovered. The answer having been in the affirmative, there was, as had been stated, no further question or ground of negotiation between the Prince and the foreign Representatives in respect to money indemnities.

The Envoys appeared satisfied with this explanation of the actual position of affairs, and begged that the Representatives present would be pleased to transmit the several letters of credence addressed to each, and communicate in their name what they had been directed to state to each in person, could they have had the opportunity.

After some conversation as to the means for returning them to their homes by one of Her Majesty's ships they took their leave.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary.*

ROBERT H. PRUYN, *Minister Resident of the
United States in Japan.*

No. 77.

Earl Cowley to Earl Russell.—(Received December 14.)

My Lord,

Paris, December 13, 1864.

ON the receipt of your Lordship's despatch of the 3rd instant, inclosing copies of the further correspondence which has passed lately between your Lordship and Her Majesty's Envoy in Japan, I communicated, in compliance with your instructions, those papers to M. Drouyn de Lhuys.

Yesterday I received a note from his Excellency, a copy of which is inclosed, informing me that the Government of the Emperor coincided in the views of Her Majesty's Government with reference to late events in Japan; and that instructions similar to those addressed on the 2nd instant to Sir Rutherford Alcock would be sent to the French Representative in that country.

I have, &c.

(Signed) COWLEY.

Inclosure in No. 77.

M. Drouyn de Lhuys to Earl Cowley.

M. le Comte,

Paris, ce 12 Décembre, 1864.

JE prie votre Excellence de faire parvenir nos remerciements au Gouvernement Britannique pour la communication qu'il a bien voulu nous donner des dépêches récentes de Sir R. Alcock et des instructions qui lui ont en retour été adressées. Le Gouvernement de l'Empereur a reçu des derniers événements la même impression que le Cabinet de Sa Majesté Britannique. Il a appris avec satisfaction qu'un châtement mérité avait pu être infligé au Prince de Nagato sans qu'il en soit heureusement résulté aucun conflit avec le Taïcoun ou le Mikado. Il a vu avec plaisir que le retentissement de l'affaire de Shimonosaki semblait au contraire avoir inspiré de salutaires réflexions au Cabinet de Yeddo et permettre d'espérer un revirement sérieux dans les dispositions dont il se montrait animé jusqu'ici. Les instructions qui viennent d'être transmises à M. Léon Roches l'invitent en conséquence à maintenir l'identité de vues qui s'était établie entre lui et Sir R. Alcock pour chercher à tirer le meilleur parti de cette situation nouvelle. Mais en approuvant les démarches et les représentations qui ont pour objet d'obtenir la ratification des Traités par le Mikado, le Gouvernement de l'Empereur a rappelé à son Représentant que son intention était toujours, comme celle du Gouvernement Britannique, de conserver une attitude pacifique au Japon et de réserver toute sa liberté d'action dans le cas où les présentes négociations n'aboutiraient pas à un dénouement satisfaisant.

(Signé)

DROUYN DE LHUYS

(Translation.)

M. le Comte,

Paris, December 12, 1864.

I BEG your Excellency to convey to the British Government our thanks for the communication which they were so good as to make to us of the recent despatches of Sir R. Alcock, and of the instructions which have been addressed to him in reply. The Government of the Emperor have received from the last events the same impression as the Cabinet of Her Britannic Majesty. They have learnt with satisfaction that a deserved chastisement was able to be inflicted upon the Prince of Nagato, luckily without entailing any conflict with the Tycoon or the Mikado. They had seen with pleasure that the news of the affair of Shimonasaki seemed, on the contrary, to have inspired salutary reflections to the Cabinet of Yeddo, and to allow hopes of a serious change in the dispositions by which it had hitherto shown itself to be animated. The instructions which have been recently transmitted to M. Léon Roches invite him, consequently, to maintain the identity of views which had established itself between him and Sir R. Alcock, in order to endeavour to turn this new situation to the best account. But, in approving the steps and the representations which have for their object the ratification of the Treaties by the Mikado, the Government of the Emperor have reminded their Representative that their intention, like that of the British Government, had always been to preserve a pacific attitude in Japan, and to reserve to themselves complete liberty of action in case the present negotiations should not result in a satisfactory termination.

(Signed)

DROUYN DE LHUYS.

No. 78.

Earl Russell to Sir R. Alcock.

Sir,

Foreign Office, December 14, 1864.

HER Majesty's Government approve of the language which you held on the occasion of your interview with the Minister of the Prince of Nagato, as reported in your despatch of the 15th of October last.

I am, &c.

(Signed)

RUSSELL.

No. 79.

*Earl Russell to Sir R. Alcock.*Sir, *Foreign Office, December 14, 1864.*

I HAVE to convey to you the approval by Her Majesty's Government of your proceedings at the interview between the Gorogio and the Representatives of the Treaty Powers, as reported in your despatch of the 15th of October.

I am, &c.
(Signed) RUSSELL.

No. 80.

Sir R. Alcock to Earl Russell.—(Received December 25.)

(Extract.)

Yokohama, October 28, 1864.

IN continuation of my despatch of the 28th September, I have now the honour to inclose copy of a Convention with its annexes signed on the 22nd instant by Sakai Hidano Kami on the one part, invested with plenipotentiary powers by the Tycoon, and the Representatives of Great Britain, France, the United States of America, and the Netherlands on the other.

The Convention itself I will take charge of, and deliver to your Lordship for the ratification of Her Majesty's Government.

The objects of the Convention are fully set forth in the preamble; and these have been, as I trust your Lordship will think, fully and satisfactorily secured by the engagement entered into on the part of the Tycoon's Government to pay an indemnity of 3,000,000 dollars, in discharge of all claims from the four Treaty Powers, arising out of the aggressive acts of the Prince of Nagato, including a ransom, should it be exacted, for the town of Shimonasaki, and all the expenses entailed by the expedition of the allied squadrons.

Power has been reserved to the Tycoon to offer Shimonasaki, or some other eligible port in the Inland Sea, as a place for foreign trade in lieu of payment in money, and as a material compensation for loss and injury entailed upon the Treaty Powers in question; but the alternative option of accepting the one or the other rests exclusively with the latter.

In the event of the Treaty Powers electing payment in money, and a repartition becoming necessary among them of the whole amount of 3,000,000 dollars, a Memorandum has been annexed, signed by the four Representatives, declaring, that in respect to indemnities for all anterior acts of the Prince of Nagato in firing upon the ships and flags of three of the Treaty Powers, they have assumed as a basis the amount of indemnity fixed at Paris by the Government of the Emperor for their share, namely, 140,000 dollars. If, therefore, France should adhere to this amount, as can hardly be otherwise, I conceive, and the other two Powers claim a like amount, the total for indemnities for acts antecedent to the expedition, will be under 500,000 dollars, (that is 420,000 dollars) leaving 2,500,000 for division, to cover the expenses of the expedition undertaken by the allied squadrons.

In order to supply a basis on which the several proportions might be equitably determined, there will be found attached to the Memorandum, returns from the several senior officers, naval and military, under each flag, of the number of ships-guns, officers, and men, either employed in the expedition or assigned for the defence of the several ports.

I believe, however, should it be possible, as I think it might be, to obtain Shimonasaki as a port for foreign trade, the result would be infinitely more advantageous to the Treaty Powers generally than any payment of dollars, and more satisfactory to the Japanese Government and people; but the decision rests with Her Majesty's Government should the offer be made, and with the other Treaty Powers concerned in this Convention.

Inclosure 1 in No. 80.

Convention.

THE Representatives of Great Britain, France, the United States, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the Treaties, having been obliged to send their combined forces to the Straits of Shimonasaki, in order to destroy the batteries erected by that Daimio for the destruction of foreign vessels and the stoppage of trade; and the Government of the Tycoon, on whom devolved the duty of chastising this rebellious Prince, being held responsible for any damage resulting to the interests of Treaty Powers, as well as the expenses occasioned by the expedition;

The Undersigned Representatives of Treaty Powers, and Sakai Hida no Kami, a member of the Second Council, invested with plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen, since the first of these acts, in June 1863, against the flags of divers Treaty Powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Shimonasaki, have agreed and determined upon the four Articles following:—

ARTICLE I.

The amount payable to the four Powers is fixed at 3,000,000 dollars. This sum to include all claims, of whatever nature, for past aggressions on the part of the Prince of Nagato, whether indemnities, ransom for Shimonasaki, or expenses entailed by the operations of the allied squadrons.

ARTICLE II.

The whole sum to be payable quarterly in instalments of one-sixth, or 500,000 dollars, to begin from the date when the Representatives of said Powers shall make known to the Tycoon's Government the ratification of this convention and the instructions of their respective Governments.

ARTICLE III.

Inasmuch as the receipt of money has never been the object of the said Powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Shimonasaki, or some other eligible port in the Inland Sea, it shall be at the option of the said foreign Governments to accept the same, or insist on the payment of the indemnity in money under the conditions above stipulated.

ARTICLE IV.

This Convention to be formally ratified by the Tycoon's Government within fifteen days from the date thereof.

In token of which the respective Plenipotentiaries have signed and sealed this Convention in quintuplicate, with English and Japanese versions, whereof the English shall be considered the original.

Done at Yokohama this 22nd day of October, 1864, corresponding to the twenty-second day of the ninth month of the first year of Gengi.

The Japanese character for:

(Signed)

SAKAI HIDA NO KAMI.

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary
in Japan.*

LEON ROCHES, *Ministre Plénipotentiaire de Sa
Majesté l'Empereur des Français au Japon.*

ROBT. H. PRUYN, *Minister Resident of the United
States in Japan.*

D. DE GRAEFF VAN POLSBROEK, *His Nether-
lands Majesty's Consul-General and Political Agent
in Japan.*

Inclosure 2 in No. 80.

Memorandum.

THE Undersigned, having on behalf of their respective Governments entered into a Convention with the Government of His Majesty the Tycoon, providing for the payment by him of a gross sum of 3,000,000 dollars for indemnities and expenses occasioned by the hostile acts of the Prince of Nagato, declare that they assumed as the basis of such Convention that entered into at Paris with the Commissioners of the Tycoon (not ratified by the Tycoon because of other provisions) in and by which the payment of 140,000 dollars was to be made to the Government of His Imperial Majesty the Emperor of the French for the attack on the "Kienchang." As such sum or a larger one may be justly claimed, and as the Governments of the United States and the Netherlands are justly entitled to like indemnities for more serious attacks on national and merchant ships of those countries by the same Prince, it is reserved for those Governments to decide if any and what indemnities from the said gross amount so to be paid by the Japanese Government shall be paid therefor.

In view of the possible acceptance by the said Governments of a port in the Inland Sea in lieu thereof, which will render any division unnecessary, the Undersigned reserve the same for adjustment by their Governments; and to provide an equitable basis, have hereto annexed memoranda of the Naval Commanders, showing the number of ships furnished by each for the expedition and assigned for the defence of the several ports, with their armaments and crews; and also of the Military Commanders, showing the number of troops collected for the same purposes.

Yokohama, October 22, 1864.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary
in Japan.*

LEON ROCHES, *Ministre Plénipotentiaire de Sa
Majesté l'Empereur au Japon.*

ROBT. H. PRUYN, *Minister Resident of the United
States in Japan.*

D. DE GRAEFF VON POLSBROEK, *His Nether-
lands Majesty's Consul-General and Political Agent
in Japan.*

No. 81.

Sir R. Alcock to Earl Russell.—(Received December 25.)

(Extract.)

Yokohama, October 29, 1864.

THE Minister of Foreign Affairs at Yeddo has addressed to me, for delivery to your Lordship, a despatch respecting my departure, which I have the honour to inclose, together with a translation in English. Although it is not strictly in accordance with diplomatic forms and usage in Europe for the Foreign Minister of another Sovereign to address a letter direct to Her Majesty's Secretary of State, as it has been done more than once before I have not felt at liberty to make any difficulty in transmitting it; but I trust it will be distinctly understood that in doing so I neither have desired such a letter should be written nor sympathized with the desire it expresses for my return to this post, after I have once left it in obedience to your Lordship's commands. The state of my health, if no other cause existed, would suffice to render such a step undesirable both on public and personal grounds.

I have not felt warranted in acceding to the urgent demands made by the Gorogio to wait the result of their letter to your Lordship. But, seeing the great importance of securing, if possible, at this juncture the ratification of existing Treaties by the Mikado, which the Tycoon's Government is at this moment, I believe, straining every nerve to obtain, I have felt constrained to allow from thirty to forty days for the communication of the final result of their negotiations at Kioto before I leave.

If I cannot return by the mail of the 1st of December I will certainly not delay beyond the 17th, which will enable me to be in London about the time when Parliament may be expected to open.

The interval between this and December will be profitably employed in pushing on the large improvements for the benefit of this port specified in the Memorandum or bases of agreement transmitted herewith.

I trust this course may meet with the approval of Her Majesty's Government; and, in connection with the subject of this despatch, I inclose copies of a letter from the British residents here, expressive of regret at my departure, and my reply.

Inclosure 1 in No. 81.

Midzuno Idzumi no Kami to Earl Russell.

(Translation.)

I HAVE the honour to communicate to your Excellency the following.

The return this year to Japan of Sir Rutherford Alcock, the Envoy Extraordinary for your country, who after two years' leave in his fatherland had been recalled to his post, has improved the friendly relations between the two countries, because of his being an old friend.

I have now learned his intended departure for his country with deep regret. However, there will be no distinction of friendly feelings between the old and new (Representative) in case his successor be sent out; but having resided in this country as Envoy Extraordinary since the making of the Treaty between Japan and Great Britain, he has acquired an extensive knowledge of the affairs of Japan, and in all respects dealt with them in a proper way. And when, in consequence of the innovation on old habits in this long-closed country, national feelings and disorder had arisen, resulting in barbarous acts of Japanese against British subjects, which created great difficulties and were calculated to prejudice the relations between the two countries, his Excellency Sir Rutherford Alcock has displayed no less zeal in bringing such (difficulties) to a satisfactory settlement. Moreover, as the Representatives of other Powers have been changed, he is the only one who has a correct knowledge of the state of affairs since the opening of the ports, and as such his residence in this country has strengthened a good deal the relations between the two countries, as I have in many respects been able to obtain his advice regarding the settling of the present civil war.

His Majesty the Tycoon has therefore directed me to represent to you the desirability of his being sent back to his post in this country after he shall have terminated his affairs in England.

I consequently desire that your Excellency will lay the above (representation) before Her Majesty the Queen, and that my request be complied with.

With respect and consideration.

The 27th day of the 9th month of the 1st year Gengi (27th October, 1864).

(Signed) MIZUNO IDZUMI NO KAMI.

Inclosure 2 in No. 81.

Memorandum of Bases proposed for the Enlargement of the Settlement and other Public Objects connected with the Port of Yokohama, on the 8th of September, and generally agreed upon.

Present:

Sir R. Alcock, K.C.B., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan.

Robert H. Pruyn, Esq., Minister Resident of the United States in Japan.

Toki Osumi no Kami, Governor of Kanagawa.

Shiraeshi Tsuyedai-yu, Governor of Kanagawa.

Shibata Hinga no Kami, Commissioner and Governor for Foreign Affairs.

1. The Japanese Government to set aside, or designate, for the use of foreigners, to be actually assigned to them from time to time as required, the lands lying between the bay, and the main street on the one side, and Benteng and the custom-house on the other. Also that portion of the swamp adjoining to, and south of, the last concession, and as far as the Gankiro westward and the canal.

The exact line of division from the Hatoba on the sea front, to the land at the back, to be drawn by mutual consent before the final distribution, when it can be more accurately ascertained how much land on the swamp is needed.

The whole of the swamp lying between the town and the canal to be filled up, three

feet above the level of the last concession. The Gankiro to be removed to some site beyond the canal, west or south-west of the Japanese town; away from the foreign settlement.

2. *Mode of Assignment for Occupation.*—On the joint requisition of the Consuls, so much of the said land as may be required shall from time to time be assigned to them, as additions to the foreign settlement.

It is proposed that each lot shall be appraised by the Consuls collectively, at a price to be governed by existing rates and value of land, and not to be sold below such price.

If the land so appropriated be in occupation of Japanese, they are out of such proceeds to be indemnified the actual expenses of removal, to be reasonably assessed.

The balance of the proceeds realised, or such portion as shall not be hereinafter appropriated to other uses, to constitute a municipal fund for the purpose of making and keeping in order roads, drains, &c.

The nominal rental to be the same per 100 tsoobos as at present ruling in the ground now occupied. But as the Japanese Government will by the arrangements now in contemplation, and hereafter to be carried out, be relieved of the expense of making and maintaining roads, &c., with which they have heretofore charged themselves, the Consuls shall retain 20 per cent., or one-fifth, annually from the total rental and the deduction to take effect on all rents not yet collected; to be paid into the municipal fund, and to be applied for such purposes.

It having been already arranged that a certain block of ground adjoining the custom-house shall be cleared and assigned to the several nationalities, or as many of them as may find place, and in an inalienable manner, for Consular offices and public use only, it is further proposed that a sufficient space shall be made available at Benteng for Consular residences, to be in like manner inalienable. And considering that salaried officers were placed under peculiar disadvantages in this country by the restrictions which prevent them buying land at pleasure of Japanese, it is further agreed that these several localities shall be placed at their disposal at a fixed moderate rent to be hereafter agreed upon.

A bund to be built in front of this new concession from the end of Benteng in a line hereafter to be fixed, and carried forward to meet the one already existing at the Hatoba.

In reference to these plans for the improvement and extension of the Settlement, entailing, as they must, a large outlay in the first instance, a portion is not only a matter of necessity as essential to health, but will repay itself by an accruing rental, the filling up the swamp for instance. But another portion is not so much a matter of necessity as of expediency (the ground at Benteng and the bund), and the outlay would only in part be compensated by rental. It is proposed, therefore, that an accurate estimate shall be made of the whole expense to be incurred for the extension of the Foreign Settlement in this direction (from the Hatoba to Benteng, including the bund), and that one-half the proceeds of all sale of leases, after the payment of aforesaid indemnity to outgoing tenants, shall be paid to the Japanese authorities until the reimbursement is effected or the whole of the land so assigned shall have been disposed of.

Special Sites and Concessions beyond the limits.—These special sites had been previously discussed and partially settled:—a site for a large Civil Hospital on the bluff facing the canal, a recreation ground and road in the valley, shambles at or near Treaty Point, in the vicinity of the sea-beach. Now, in reference to these the ground required either for a hospital or a race-course, and therefore wholly appropriated, will be rented at a rate fixed in reference to the actual present value, not more than one-third the rate now charged in the Concession. But it is understood that the Japanese Government shall make a good broad road leading to the Mississippi Valley in a line offering the greatest facility of access and variety of ride, hereafter to be fixed, and for the purpose of serving for exercise, the line to proceed from the Settlement winding round the valley, and returning on the opposite side back or near to the starting-point. This road to be made in the first instance and kept in good order at the sole expense of the Japanese Government, as an inducement to foreigners to take their exercise there instead of on the tokaido, pending the present troubled state of the country. The road to be gravelled and kept in good order, and not less than fifteen feet in average width. In connection with this Park road is to be a race course a mile in circuit, for which the foreign community will, as before stated, pay rental.

The shambles to be built by the Japanese upon plans furnished, and a rental of 10 per cent. to be paid for occupation by the butchers.

A site on the bluff for a small-pox hospital for military, naval, and civil patients, to be provided, and after such temporary use is no longer required, facilities to be given for the permanent location of a general civil hospital.

No insuperable objection existing to any of those propositions, it is understood and agreed that the necessary steps shall be taken to carry them into effect without delay.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary
in Japan.*

ROBT. H. PRUYN, *Minister Resident of the United
States in Japan.*

At a second Conference on the same subject, which took place at the British Legation on the 24th of October, 1864.

Present :

Sir R. Alcock, K.C.B., *Her Britannic Majesty's Envoy Extraordinary
and Minister Plenipotentiary in Japan.*

Robert H. Pruyn, Esq., *Minister Resident of the United States in
Japan.*

Charles A. Winchester, Esq., *Her Britannic Majesty's Consul.*

Colonel Fisher, *United States' Consul.*

Shibata Hinga no Kami, *Commissioner and Governor for Foreign
Affairs.*

Shiraeshi Shimosa no Kami, *Governor of Kanagawa.*

Fukura Takeshibro, *Vice-Governor of Kanagawa.*

The various objects comprised in the above Minute were again referred to, and the decisions to commence to carry them out confirmed, namely :—

1. The setting aside a lot, and the preparing it for parade-ground and race-course, to be a mile in circuit.

2. Site and buildings for small-pox patients, military, naval, and civil, and of all nations.

3. The building of slaughter-houses on site already selected.

4. The filling up the swamp and removal of the Gankiro. The last not to be insisted upon until the whole of the new ground was prepared. In the event of fire it was agreed that it should not be rebuilt on the present site, but at the further end adjoining the Japanese Settlement.

5. The clearance of the ground for Consular locations next the Custom-house.

6. A park or riding road to be made some four or five miles in extent winding round and through the Mississippi valley.

7. The extension of the European Settlement down to Benteng, with ground to be set aside there for residence of Ministers, Consuls, or other Government purposes, as had already been done in the case of the Dutch, and more recently by the French and Prussians.

On this last clause alone some considerable discussion took place ; Shibata observing that if we took the whole sea-front for Europeans, and thrust all the Japanese backward where they would be out of sight, it would have a very bad appearance in the eyes of the Japanese.

To this it was replied that Yokohama had not been a site chosen by the foreign Ministers according to Treaty, but in a manner forced upon foreigners by the Japanese authorities, and therefore these were doubly bound to give what advantages of space and other advantages of locality were essential to the prosperity and comfort of those constrained to dwell here. As to appearance, Yokohama must be considered principally the European Settlement, while Kanagawa immediately opposite had not a single European house to offend the eyes or the prejudices of the most susceptible Japanese. Lastly, a water frontage was of no value to the small Japanese shopkeepers who alone resided there now, or to any Japanese merchants even, for they neither shipped nor landed any goods. That was done by foreigners exclusively, and therefore to them a water frontage was, if not a matter of primary necessity, at least of immense importance and value.

It was further suggested in reference to this last improvement, and the extension of the settlement down to Benteng, with a continuation of the bund, that upon this and other facilities necessary for the development of trade here being promptly and unreservedly granted, would very much depend the ulterior question of opening Yeddo to trade. If Yokohama were really made all that it might and ought to be in this respect, both the Ministers present would be well disposed, in consideration of this, to recommend their respective Governments to still further defer the opening of Yeddo to commerce.

Shibata observed that this was a consideration of such importance as entirely to modify any objections, and that no doubt the Government at Yeddo would be ready to enter into the foreign Ministers' views, and perform their part.

(Signed)

RUTHERFORD ALCOCK, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipotentiary
in Japan.*

ROBT. H. PRUYN, *Minister Resident of the United
States in Japan.*

Inclosure 3 in No. 81.

Messrs. Gower, Kingdon, &c., to Sir R. Alcock.

Sir,

Yokohama, October 20, 1864.

WE learn with sincere regret that it is probable you will soon leave Yokohama, and we are unwilling that you should do so without receiving from us an expression of gratitude for the beneficial results your course of policy has brought to our commerce.

It is unnecessary for us to refer to the difficulties of your position since your return at the commencement of this year. Suffice it to say that you arrived at a time when the Japanese Government entertained ideas of forcing foreigners to abandon Yokohama, and had placed such restrictions on trade that this port was virtually closed.

The precautionary measures you immediately adopted tended greatly to increase the security of our persons and property, and your determined but wise policy has at last restored trade (that had dwindled away to a nonentity) to its usual channels with unwonted vigour.

The principal triumph, Sir, of your success lies in the fact that you have accomplished all this not only without causing a collision between Her Majesty's Government and that of the Tycoon of Japan, but by actually strengthening the Government from which you obtained the concessions, as well as by acting in such a way as to secure the cordial co-operation of the foreign Ministers resident at this port.

We have, &c.

(Signed)

S. J. GOWER, *Agent for Jardine, Matheson & Co.*
(And 25 others.)

Inclosure 4 in No. 81.

Sir R. Alcock to Messrs. Gower, Kingdon, &c.

Gentlemen,

Yokohama, October 21, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 25th instant, signed by the representatives of British firms at this port, and to thank you very cordially for the flattering expression of your regret at my early departure.

It is very true, as you state, that on my return to my post after a prolonged absence, I found our position in the country unsatisfactory to the last degree. Menaced with attack and expulsion from this port, and all the interests of trade, both here and at Nagasaki, seriously compromised, it was evident that some determined and consistent action could alone avert a catastrophe. The increasing violence and arrogance of the anti-foreign party threatened Japan with all the calamities of a war, both internecine and foreign, and nothing had more directly and obviously tended to bring on this state of affairs than the long continued immunity of the Prince of Nagato, and the apparent weakness or timidity of foreign Powers in checking and punishing his outrages on their flags and commerce.

I had the good fortune to find my colleagues the Representatives of France, the United States of America, and the Netherlands, disposed to take the same view, and loyally to unite their efforts to mine to put a stop to this downward descent, and to concert with me the necessary measures to be taken, in communication with the Tycoon's Government.

The result of these united efforts has been in many respects all that could be desired. The Prince of Nagato has ceased all hostile action. The Straits of Shimonasaki have been opened in a permanent manner, thus relieving the trade of Nagasaki from obstructions, which had nearly destroyed it. The Sako party has been greatly discouraged by the evidence afforded of our irresistible superiority in the field, and with corresponding

increase of strength and courage to the more moderate and enlightened party in the country, favourable to the maintenance of friendly relations with foreign Powers.

The opening of this port, which for the three preceding months had been virtually closed by the stoppage of silk, the main staple of its trade, is the first material evidence of an improved position; and recent communications with the Government at Yeddo give good hope of further material changes in the whole policy of the country as respects foreigners.

I am glad before my departure to be able to congratulate the British residents here, and elsewhere in Japan, not only on the attainment of a state of security never before enjoyed, but of renewed commercial activity, and of a promise of continued improvement in all directions, a promise which I earnestly hope may be fully realized by a continuance of the same firmness and moderation combined, to which I believe the efforts of my colleagues and myself during the past six months mainly owe their success.

I have, &c.

(Signed) RUTHERFORD ALCOCK.

No. 82.

Mr. Burnley to Earl Russell.—(Received January 3, 1865.)

My Lord,

Washington, December 19, 1864.

I HAVE the honour to inclose copy of a note which I addressed to Mr. Seward, under the instructions contained in your Lordship's despatch the 22nd ultimo, relative to the important services rendered by the officers and crew of the United States' corvette "James Town" to Admiral Sir Augustus Kuper, during the recent naval operations in the Japanese Seas.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure in No. 82.

Mr. Burnley to Mr. Seward.

Sir,

Washington, December 17, 1864.

THE Lords Commissioners of the Admiralty have received from Vice-Admiral Sir A. Kuper, commanding Her Majesty's naval forces in the Eastern Seas, an account of the successful operations lately taken by a combined squadron of English, French, Dutch, and United States' vessels against the batteries erected by the Japanese Prince of Nagato in the Straits of Shimonasaki.

Sir A. Kuper reports that the most cordial good feeling prevailed throughout the operations between the officers and men of the allied forces, and he attributes in great measure to that good feeling the speedy and entire success with which the operations of the combined squadron were crowned.

It is with feelings of great pleasure that I am enabled to lay before you the inclosed copy of a letter which Sir A. Kuper addressed to Lieutenant Pearson of the United States' Navy,* expressing the sense which the British Admiral entertains of the important services rendered on that occasion by the officers and men detached from the United States' corvette "James Town," and in accordance with the wish of the Admiralty Her Majesty's Government instruct me to request that the United States' Government will have the goodness to convey to Lieutenant Pearson the acknowledgments of the Lords Commissioners for the ready co-operation which that gallant officer afforded to the British Admiral during the whole of the operations in question.

I have, &c.

(Signed) J. HUME BURNLEY.

No. 83.

Mr. Burnley to Earl Russell.—(Received January 3, 1865.)

My Lord,

Washington, December 27, 1864.

WITH reference to my despatch of the 19th instant, I have the honour to inclose a copy of Mr. Seward's reply to the note which I addressed to him under the instructions contained in your Lordship's despatch of the 22nd ultimo, relative to the services

* Inclosure 6 in No. 61.

rendered by Lieutenant Pearson of the United States' Navy during the late naval operations in Japan.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure in No. 83.

Mr. Seward to Mr. Burnley.

Sir, *Department of State, Washington, December 22, 1864.*
I HAVE the honour to acknowledge the receipt of your communication of the 17th instant, relative to the conduct of Lieutenant Pearson of the United States' corvette the "James Town," in co-operating with the English, French, and Dutch vessels of war against the batteries erected by the Japanese Prince of Nagato, in the Straits of Shimonasaki, and requesting that the United States' Government will convey to Lieutenant Pearson the acknowledgments of the Lords Commissioners of the Admiralty for the ready co-operation which that officer afforded to the British Admiral. The account of these proceedings affords this Government great satisfaction, and I will thank you to convey to Earl Russell my congratulations upon the result, and to inform his Lordship that the conduct of our Minister on the occasion and that of naval officers has been approved.

I have, &c.
(Signed) WILLIAM H. SEWARD.

No. 84.

Sir R. Alcock to Earl Russell.—(Received January 12, 1865.)

My Lord, *Yokohama, November 15, 1864.*
I HAVE received from the agent here of the Central Bank of Western India, who has lately returned from Nagasaki through the Inland Sea, a letter which is of some interest as giving the latest intelligence of the resuscitation of trade at Shimonasaki, and the manifestation of friendly feeling towards foreigners, both by officials and the inhabitants of the town. Mr. Rickerby, the gentleman in question, was an eye-witness of what he describes, and his intelligence is to be fully relied upon. I have thought the inclosed extract from his letter might not be without interest. The portions omitted only refer to his regret at my departure and his fears of a change of policy, with which it is not worth while to trouble your Lordship.

I have, &c.
(Signed) RUTHERFORD ALCOCK.

Inclosure in No. 84.

Mr. Rickerby to Sir R. Alcock.

*Central Bank of Western India, Yokohama,
November 14, 1864.*

(Extract.)

I TAKE the liberty of addressing your Excellency to express my regret that my unavoidable absence at Nagasaki should have prevented my adding my signature to a letter addressed to you by the English mercantile community here on the subject of your approaching departure from Japan.

It may be interesting to your Excellency to hear from an eye-witness that there is every evidence of an active resumption of trade in the Inland Sea, and more especially at the port of Shimonasaki, and that at that place the best possible feeling apparently exists towards foreigners. The harbour, when I saw it, was crowded with large junks, bulwark to bulwark, like ships in the Pool of the Thames, to the number, as far as my memory serves me, of 300 or 400, the most part loading, as we were told, for Nagasaki. The utmost desire seems to exist to have the port opened for foreign trade. We were asked to make contracts for supplying shirtings, camlets, broad-cloths, and other English manufactures; and urgently requested to stay for three or four days until communication could be had with the Prince of Nagato, then in the interior.

So far from any bad feeling existing between the authorities there and foreigners, we found ourselves, although no foreign vessel of war was in the port, treated with the utmost kindness and hospitality: officials boarded us immediately on our anchoring, offering us freely coals, water, and provisions, and finding us well supplied invited us to land, when they entertained us in excellent style, after which we were shown the town, the batteries, and every object of interest. No attempt is being made to repair the forts, which are still strewn with the débris of the late fight. The people of the town, as well as the officials, and what few soldiers we saw, were excessively civil and polite, refraining even from that oppressive curiosity which is so annoying in Japanese towns whose inhabitants are not accustomed to the presence of Europeans.

Were other proofs wanting of the correctness of your Excellency's estimate of the Japanese character, and of the success of the policy which you have pursued lately in your relations with their Governments, the facts above detailed would, I think, have weight; but when, in addition, we see the trade of Yokohama, after a stagnation of nearly a year, suddenly reviving, and the restrictions which have hitherto cramped it as suddenly removed, so immediately after the affair of Shimonasaki, and your subsequent visit to Yeddo—and when, in proof of this, we see two successive steamers taking each a larger cargo of the most valuable export (silk) than has ever been recorded since the opening of the port—no thinking man can fail to see that the policy pursued by your Excellency has had the most beneficial results, nor can any one view your departure without apprehension and regret, lest the execution of your plans should be interrupted, or a different policy initiated.

No. 85.

Sir R. Alcock to Earl Russell.—(Received January 12, 1865.)

Yokohama, November 15, 1864.

My Lord,

I HAVE the honour to inclose a copy of a despatch from the Ministers of Foreign Affairs, officially notifying the ratification of the Convention of the 22nd October last, on the part of the Government of the Tycoon.

Takémoto Awadzi no Kami was sent down the same day to inform me, in common with my colleagues, that recent intelligence from the Abé Bungo no Kami, a member of the Gorogio and Minister of Foreign Affairs, now at Kioto, gave good hopes that the Mikado would speedily consent to the withdrawal of all recent edicts against foreign relations, and thus virtually, if not formally, accept the Treaties as binding upon him and the Empire.

The better to secure this end, the Tycoon, I understand, is about to proceed once more to the capital of the Mikado, and this time with a more definite purpose, and apparently under more favourable conditions than on any previous occasion.

Nevertheless, implicit trust cannot be placed in this or any other promise of a satisfactory solution. There are so many hidden rocks and treacherous eddies in the channels through which Japanese politics run their course, that until a definite end is accomplished there is no security as to when the desired haven may be gained, nor certainty as to the efforts that may be required.

I have, &c.
(Signed) RUTHERFORD ALCOCK.

Inclosure in No. 85.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE beg to communicate to you as follows.

In respect to the Convention entered into by our Vice-Minister, Sakai Hida no Kami, on the 22nd ultimo, with you at Kanagawa, we have to inform you that our Government has undertaken to give effect to the same, in token of which we send this despatch.

In order to inform you of the above we send you this communication.

With respect and consideration,

3rd day, 10th month, 1st year of Genchi (4th November, 1864).

(Signed)

MIDZUNO IDZUMI NO KAMI.
ABE BOUNGO NO KAMI

Mr. Burnley to Earl Russell.—(Received January 17.)

My Lord,

Washington, January 2, 1865.

I HAD the honour on the 22nd ultimo of bringing under the notice of Mr. Seward, under the instructions contained in your Lordship's despatch of the 3rd ultimo, copies of Sir Rutherford Alcock's despatches on the late events in Japan, together with a copy of your Lordship's despatch to Sir Rutherford Alcock. I beg to inclose copy of the note which I addressed to Mr. Seward under the above date, and Mr. Seward's reply.

Mr. Seward states that Mr. Pruyn, the United States' Minister in Japan, has been entrusted with discretion which will enable him to act in harmony with the Treaty Powers.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 86.

Mr. Burnley to Mr. Seward.

Sir,

Washington, December 22, 1864.

I HAVE received the instructions of Her Majesty's Government to communicate to the United States' Government copies herewith inclosed of Sir Rutherford Alcock's despatches on the late events in Japan.*

Her Majesty's Government, having considered these despatches, has signified to Sir R. Alcock, in the despatch of which I beg also to inclose a copy,† Her Majesty's gracious approval of his conduct.

As regards the future policy to be observed in dealing with the Japanese Government, Her Majesty's Government think it advisable to await the result of the negotiations which, at the date of Sir R. Alcock's despatch, were still in progress between the Representatives of the Treaty Powers and the Minister of the Tycoon, and perhaps the arrival of Sir R. Alcock in England, which may be expected in a few weeks, before taking any definitive decision on the subject; but in the meanwhile Her Majesty's Representative in Japan will be apprised, with reference to Sir R. Alcock's despatch of the 28th of September, that Her Majesty's Government are willing to renounce any money payment on account of the forbearance shown by the allied forces in dealing with the town of Shimonasaki, and on account of the expenses of the expedition against the Prince of Nagato, if greater or equal advantages can be secured by stipulations to be obtained from the Tycoon or the Mikado.

I avail, &c.

(Signed) J. HUME BURNLEY.

Inclosure 2 in No. 86.

Mr. Seward to Mr. Burnley.

Sir,

Department of State, Washington, December 29, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 22nd instant, transmitting, in accordance with instructions received by you from Her Majesty's Government, copies of Sir Rutherford Alcock's despatches in regard to the events which have recently taken place in Japan. In reply, I have the honour to state that Mr. Pruyn, the United States' Minister in Japan, has been entrusted with discretion which will enable him to act in harmony with the Treaty Powers.

I have, &c.

(Signed) WILLIAM H. SEWARD.

* Nos. 66, 67, and 68.

† No. 71.

Sir R. Alcock to Earl Russell.—(Received January 26, 1865.)

My Lord,

Yokohama, November 18, 1864.

I HAVE taken my passage by the mail steamer leaving here on the 18th proximo. My departure has been so far deferred only to secure some of the more immediate fruits of the successful operations at Shimonasaki, which might otherwise have been altogether lost; and also to prevent, if possible, any untoward reaction in the Japanese mind, consequent on my unexpected recall so immediately after carrying through energetic measures of repression directed against the party plotting the expulsion of foreigners. If the conclusion were to be drawn that this act of recall was in effect the condemnation by Her Majesty's Government of the policy recently pursued, there is no doubt that great mischief would ensue. I trust, however, that the course I have adopted in remaining a few weeks, and continuing to insist upon all that legitimately followed the action inaugurated at Shimonasaki, may suffice to prevent the Sako party deriving any immediate encouragement from the fact.

I am happy to be able to state that I can leave now with the certainty that the primary objects of the allied expedition have been fully attained. The security of this settlement has been assured, and there is no longer any question of menace or attack; while the re-opening of trade, both here and at Nagasaki, with unusual activity attests the removal of all serious obstacles. Other and no less important results as regards the improvement and stability of our relations with this country are in process of realisation.

The country is no doubt in a very troubled state. Partial insurrections and civil war on a small scale still exist. Detached bands of Mito's men, lately shaken out of their strongholds in the Prince's territories to the north of Yeddo, have been scattered by the Tycoon's troops abroad, and are a source of danger to peaceable natives and to foreigners alike. They are equally the Tycoon's enemies and ours; and it may be long, therefore, before life can be held secure in Japan. Nor can the Tycoon's Government, with the best disposition, insure safety to isolated hamlets or single travellers, either foreign or native. We must be content, I fear, in such a state of things with the limited security now enjoyed, so far as the foreign settlements collectively are concerned. It is less than could be desired, but more than there seemed much hope of securing some months ago. Before we can reasonably look for greater freedom and absolute security, internal feuds must be extinguished, and a more perfect accord established between the Mikado and Tycoon on the subject of foreign relations; but this, as your Lordship is aware, I have long contemplated as a possible contingency to be brought about at no distant period under favourable circumstances.

I have, &c.

(Signed) RUTHERFORD ALCOCK.

No. 88.

1865

Sir R. Alcock to Earl Russell.—(Received January 26, 1864.)

(Extract.)

Yokohama, November 19, 1864.

I CANNOT leave my post without submitting some observations in reply to recent despatches from your Lordship referring to the policy pursued since my return to Japan. It is impossible not to see in these something of censure and condemnation. I venture to think, however, that your Lordship's approval will not be wanting upon further information. My despatch of the 28th September has gone over some of the ground, and will have shown how critical the position, and urgent the conditions, in which I was called upon to act, or refuse to act in concert with the Representatives of France, the United States, and the Netherlands, either course entailing nearly equal responsibility. But there are points not touched upon in it, which ought to be placed in a clear light before Her Majesty's Government.

What has been done was necessary to avert our expulsion from Yokohama, and war as a certain sequence. My whole defence and justification is there, so far as the motive, the object, and the means employed are concerned. The results speak for themselves. A catastrophe has been averted, the danger of a war indefinitely deferred, if not altogether prevented, and our position at Yokohama secured from all immediate risk. Trade nearly extinguished has been restored with increased vigour. The Tycoon has formally announced

the reversal of the obstructive and disingenuous policy so long pursued, under intimidation from hostile Daimios who had determined to effect our expulsion. His power, with that of the moderate party in the country has been greatly strengthened, and there is now for the first time a fair prospect of obtaining the Mikado's formal adhesion to existing Treaties, and thus putting an end to a conflict of authority between Kioto and Yeddo, which has been a constant source of danger; a danger alike to the empire and to foreign Powers, for if it continued but a little longer civil war, and an attempt by force to drive the foreigner away, were certain and necessary consequences.

But that there may be no question whatever about the facts, or the present situation, in contrast with that which I found on my return little more than nine months ago, I will trace as rapidly as may be, the progress of affairs from the beginning throughout this brief period, in which so much has taken place to affect our relations with Japan, both present and future.

When I arrived here on the 2nd of March, I found the situation and aspect of affairs in the country very nearly in the state described by anticipation in your Lordship's despatch conveying my general instructions, in which it is said, "you may find that the Tycoon has joined the hostile Daimios, and insecurity affects all our relations." The situation could not, indeed, be more tersely or more accurately described. Evidence of this was furnished in one of the first despatches written after my return. A High Council of Daimios was being held at Kioto, whither the Tycoon had proceeded, well knowing the danger which menaced him and us. This Council was in truth, as the event very shortly proved, a gathering of the most powerful Japanese Princes for the premeditated purpose of obtaining from the Mikado new decrees for the expulsion of the foreigner, and forcing a retrograde and hostile policy upon the Tycoon, under penalty of deposition or death, if he hesitated.

Secret information obtained within a few weeks after my return, and the transcript of several important documents disclosed, if not the whole of their designs and plottings, quite enough to give me ample warning of what was preparing. Of the correctness of this information generally, and the authenticity of the documents furnishing such conclusive evidence, there has been abundant confirmation not only from after events, but the admissions of the Tycoon's Ministers in direct communication with me, and also with my colleagues.

The Tycoon placed in this dilemma, and too weak to resist such a coalition backed by the sovereign authority of the Mikado, yielded, accepted their programme, and on the 23rd of June returned to Yeddo pledged to carry it out. The first evidence of action came in the shape of a secret order respecting silk, and the consequent stoppage of trade in that staple. To all remonstrances a deaf ear was turned, and total ignorance of the real cause unblushingly insisted upon.

From Nagasaki continuous complaints came of the almost total interruption of the trade of the port, from the blockade of the Straits maintained by Choshu. When your Lordship therefore observes in your despatch of August 8, "I do not understand that the passage of the Inland Sea is at all necessary for purposes of foreign commerce so long as Osaka is not open and the Mikado remains in seclusion at Kioto," it must have been in the absence of information to this effect. It could not have been known that nearly the whole of the trade of Nagasaki, both import and export, is connected with Shimonasaki as a depôt, and with the native traffic in the Inland Sea through the Straits. All take that route, not only our import goods, but the raw cotton arriving at Nagasaki for export; and the blockade of the Straits abruptly stopped both. Even Satsuma himself, who was one of the largest dealers, could not get over this difficulty, and had more than one of his junks sunk and his officers murdered, that their heads might be exhibited at Osaka, the greatest commercial emporium of Japan, as "a warning to all treacherous natives who might dare to trade with foreigners, against the prohibition of the Mikado," backed by such determined supporters as Choshu.

This Prince thus struck not merely a very effective blow at the foreign trade of Nagasaki, under which it languished and failed, but, by intimidation and example of hostility, at all trade with foreigners, and therefore at the interests of Yokohama, where it had the greatest development.

And no one understood this better than the Prince of Nagato; and therefore all his efforts tended to the closing of this port. Having Nagasaki and its trade well in his grip, all that remained to be done was to drive the foreigner from Yokohama, nominally to Nagasaki, but with the certain assurance that no trade could be done there under the conditions he contemplated. Accordingly, as regarded trade and all material interests, it must be clear that they were not merely threatened or attacked, but suffering the greatest

possible injury short of absolute annihilation; and this also was threatened, and serious preparations making to effect it, by driving the foreigner out of Yokohama and closing the port for ever.

When your Lordship says in this same despatch, "I confess I cannot perceive, except in the increased preparations for defence at Yeddo, and for attack in the neighbourhood of Yokohama, that your accounts give reason to apprehend any immediate attempt to drive foreigners out of Japan," I can only reply that these preparations, coupled with the knowledge that the Tycoon was pledged to effect this end, or forfeit either his life or his power, furnished in my opinion very sufficient evidence.

But this was not all. I think to have shown, almost to demonstration, in many despatches that the hostile action of Choshu and the long immunity attending it was a perpetual menace, and effectually undermined our position in the country. The discussion which took place in the Councils of the Tycoon within a few miles from this place, as to the execution of a Decree for our expulsion, shortly after his return to Yeddo, created a Palace revolution and an attempt on his life, and threatened a total dissolution of the Government. Some desperate attempt, under these circumstances, to cut the knot of the difficulty, by a sudden attack on the Settlement, was not improbable; and there was, if not positive evidence, very good reason for believing that it was actually proposed and discussed.

I have only further to notice the impression of Her Majesty's Government that some faith might be placed in the Tycoon's professed intention to chastise the Prince of Nagato for his hostile acts against foreigners, and therefore that it was the less necessary for the Treaty Powers to take it upon themselves. I can only state my own conviction, in perfect accord with that of my colleagues, and all I believe who on the spot had access to good information and the best means of arriving at a right conclusion, that prior to the success of the allied expedition there never was the slightest intention on the part of the Tycoon to take any action against Choshu; nor, indeed, until this Prince had attacked the Mikado, and, besides considerably frightening him, nearly destroyed his whole capital, had the Tycoon any permission from his and Choshu's Sovereign, without which not even the Tycoon could move, and certainly could not count upon the assistance of a single Daimio. And this we know now from the Tycoon's Ministers and confidential agents, who no longer make any secret of so much of the truth. They do not say that the pretence of doing something was merely a blind to keep us quiet and lull us into a false security, and in any case to gain time, but there is just as little doubt of this as of the other.

I do not believe that even now, after Choshu has put himself under the ban of the empire for an attack little short of sacrilege as well as treason on the capital of the Mikado, and after his power has been crippled and his prestige seriously damaged by his recent defeat at Shimonasaki, that the Tycoon will ever march troops into the Prince's territories and seriously engage in conflict with him. He has never proposed doing so to punish the Daimio for his acts of aggression on foreigners, except in official letters to the foreign Representatives. If any measures had been taken or ever should hereafter be carried into effect by the Tycoon, it will be for the acts of Choshu against the Mikado and Tycoon, and not for any wrong or injury done to foreigners. This is beyond all question. But I doubt his being strong enough without a more cordial support from the most powerful Daimios than he is likely to receive. To have trusted months ago, therefore, to the futile promises of the Tycoon to afford redress, or check the aggressive action of Choshu and his compeers, would have been to lean on a broken reed, and with a misplaced confidence which could hardly have failed to be disastrous in its results.

When Her Majesty's Government say, "If the Tycoon and the Mikado see that the British position is strong, and that the British naval and military forces are effective, they will by degrees drop all thoughts of violating existing Treaties and of expelling foreigners from Japan," they reason on the assumption that Yokohama could be made a strong position. But the only way of proving ourselves strong and deterring Mikado and Tycoon from violating existing Treaties and expelling foreigners from Japan was to strike at the head of the anti-foreign faction, and discourage them from any designs on Yokohama, by demonstrating their hopeless inferiority in the field--by demonstrating, under circumstances which could not fail to carry conviction to the heart of every two-sworded Japanese, that the British naval and military forces were irresistibly superior.

This was the conclusion to which I came, in perfect accord with all my colleagues, and in acting upon it I think I only discharged a duty, in strict accordance with the general tenor and spirit of the instructions I brought out with me. I was authorised to call upon the Admiral to land marines and destroy batteries which had been erected and armed for the evident purpose of interrupting the passage of our merchant ships, and

which had evinced their hostile purpose by some hostile act. The Prince of Nagato's batteries and his whole course of action is here exactly described. Could there be any doubt as to the "evident purpose" for which the batteries were "erected and armed?" Was it not loudly proclaimed that no merchant ship of any Treaty Power should pass? and had not all foreign ships coming within range been fired upon? The interruption of our trade was the beginning and end of the whole array of batteries? "The hostile purpose had been clearly proved by acts of a hostile character." Will it be said that this referred to British merchant ships exclusively, and that no British vessel had been fired upon? The latter assertion would be true, no doubt, for the best of all reasons—that British vessels had been prohibited attempting the passage. But the hostile purpose, as directed against them in common with all other foreign ships, and the injurious result to British trade by the blockade of the Straits, was just as clear and effective as if a whole fleet of British ships had been sunk. It was not essential to British trade that our vessels should pass the Straits; but it was essential to that trade, as the event proved, that the passage should be free to those who bought and sold of us at Nagasaki. And to stop them was to stop the trade, which only existed by and through them.

Moreover, I was enjoined, in any case, "to require from the Tycoon and the Daimios the execution of the engagements of the Treaty, and to consult with the Admiral or any military officer who may be sent to Japan as to the strengthening and holding our position in Japan." These were the fundamental and governing ideas conveyed in my instructions.

How were these instructions to be carried out? By a policy of passive expectancy? The Tycoon, it has been shown, was in consultation with the Mikado and the faction of hostile Daimios how to expel us from Yokohama, and had returned to Yeddo with orders from the Mikado, and under an engagement to the powerful Daimios to effect this end without further delay. As to the Daimios being called upon to observe the engagements of the Treaty, the Prince of Choshu, the head of the anti-foreign coalition, had for more than twelve months blockaded the Straits avowedly to interrupt foreign trade, and fired indiscriminately on all foreign flags, and even on Japanese vessels carrying produce for the market at Nagasaki.

The inclosed address from the whole British community of Nagasaki, which I have received since the departure of the last mail, leaves no doubt whatever on that head, and as little on the practical and direct effects of the line of policy which has been pursued, more especially the operations against this belligerent Daimio. The letter of an eye-witness at Shinonasaki, of subsequent date, gave still more striking evidence of renewed activity and good-will, where stagnation in trade and hostility had alone prevailed for so long a period.

A policy which has led to such happy and satisfactory results must at least have a strong presumption in its favour, and forms a striking contrast to the state of affairs which I found on my return to my post.

The political state of the country was each day becoming worse, and the powerful party of Daimios united together against the Tycoon and his foreign policy, more hostile and violent. The Mikado, with his sovereign power to decree, was in their hands. The Tycoon's second visit, on which he had set out when I returned to my post, was a last effort to extricate his Suzerain and himself from their toils. His failure sent him back to Yeddo in June, desperate and with a divided Council. The whole Government of the country was paralysed, and threatened with dissolution by the violence of contending parties, while civil war broke out menacing the existence of the Tycoon and of all foreigners.

Such a consummation would have been a calamity beyond redress. The dissolution of the Government, apart from any immediate danger, would be the destruction of the Treaty-making power. To him and his Government alone could we look for support against those most hostile to the maintenance of foreign relations. It is true his support had been feeble and doubtful in many instances. Nevertheless, from the Tycoon only could we with any effect or show of legal right, demand the fulfilment of engagements made by his predecessors, and acknowledged by him alone as valid and binding. In the dissolution of his Government and existing relations, we should lose the only solid foundation for the assertion of Treaty rights. To take new ground and go to Kioto in search of a better basis from the Mikado, would involve a costly expedition to begin with; and an explorative voyage of discovery in unknown regions of political difficulty. This one danger above all others, therefore, the disorganisation and disappearance of the Tycoon's Government, was, if possible, to be averted.

How might the Treaty Powers secure this end? Their concert for a common object was evidently the first to be effected. I had thus at the beginning two great objects before me, the firm union of the principal Treaty Powers in a common interest; and the

rescue of the Tycoon's Government from its helpless condition, so pregnant with danger to us, as well as to them.

How this latter, but really primary object, was to be attained required grave consideration. The means at my disposal were limited. The desire of Her Majesty's Government to avoid all complications in the East, or any resort to hostilities, was not unknown to me. At the same time neither they, the Parliament, nor the people of England were, I conceive, prepared to accept the destruction to the trade, the loss of our position, and the rupture of all relations with Japan, as the price of a total abstinence from the employment of force for their defence.

But, in truth, the question was rather how to avert a war than to promote trade. Doubtless there are many who would rather, on principle, sacrifice trade than advance it by the sword, and yet would hardly accept a position incompatible with any degree of self-respect or national dignity. To be ignominiously driven out of a country like Japan at the point of the sword, and with the massacre of inoffensive people residing here under the safeguard of Treaties, and the destruction of property without effort to resist or obtain redress, would require an amount of submissive abnegation such as few nations in the present day could with safety display. This, however, was really the alternative, not the greater or lesser development of a profitable trade.

It was my business, under these circumstances, first to unite my colleagues and obtain their cordial co-operation in a definite policy; and, next, to prepare with their counsel and support the means of strengthening the Tycoon's authority, and deterring those about him from joining the hostile party of Daimios out of sheer panic and weakness. It was necessary, at all costs, to prevent these making common cause with our declared enemies. That I succeeded in both these objects, and by what means, has long been known now both by my despatches and the results.

In little more than six months all the conditions so fraught with danger and injury to the material interests of the Treaty Powers have been reversed. The Straits have been opened permanently. The Prince who held them closed with his batteries during fifteen months with perfect impunity, defying alike the Tycoon's Government and all the Treaty Powers, has been beaten in open day by superior forces brought to bear upon him under the four flags, and after a fair trial of strength. All his batteries were dismantled, and he became a humble suitor for a cessation of hostilities and friendly relations within three days from the commencement of the operations. The whole Sako party, of which he was the head, and their right arm too, has been discouraged and paralyzed. Trade has been restored to both ports, and Yokohama, the point chiefly menaced, placed in a position of security in the only way that was possible, by respect for our prowess, and a consciousness of our superiority in the art of war.

Nor is this all: a total reversal of the double-faced and temporizing policy of the Tycoon has been formally announced by the Gorogio, and in great part secured by the accession of strength derived from our success and support. They have engaged to obtain the formal ratification of the Treaties by the Mikado, which carries with it the acceptance or acquiescence of the chief Daimios, and in the meantime assurance of his adhesion has been already obtained, though only in an informal manner yet. Thus, the only solution of a hitherto insoluble problem in Japanese politics, which holds out any hope of stable or peaceable relations, has been all but secured.

And these comprehensive and satisfactory results have been obtained at the cost of a few hours' fighting with the forces we had at hand, directed against an outlawed Daimio, in which the issue was never for a moment doubtful. There were not 100 casualties among those engaged on our side. There was no loss of life whatever to non-combatants, or injury to their property; and the whole expense of the expedition will be paid, and gladly paid—looking to the result—by the Tycoon, should the Treaty Powers demand it.

I fear to have taxed your Lordship's time and patience in the exposition of a past course and its results, but my object has not been entirely selfish. I have no reason to complain that, having been permitted to accomplish work for which I conceive I was more especially sent back to my post, I should be recalled. This could scarcely have taken place at a happier moment for myself. I leave security, union, and a position of strength, not depending on batteries or fortifications, where I found nothing but a general sense of insecurity, disunion, and danger, with no promise of improvement in the future. I leave trade restored, where I found it interrupted or stagnant. But my health and constitution, impaired by twenty-five years of arduous work in the public service, and more than half of these spent, without rest or change, in China,—have both suffered by the constant strain of these last months of anxious labour. I could not contemplate a prolonged period of service under similar conditions in these Eastern climes, and hope to maintain that degree of health and vigour, both of body and mind, which are necessary to the efficient discharge

of such arduous duties as have hitherto fallen to my share. So far as I am personally concerned, therefore, I can lay down my office without regret. And if there be any implied blame in the act of my recall at this moment, I will trust confidently to your Lordship's judgment, when all the facts, together with the results of my recent exertions in the public interest are known, to do me full justice.

Through twenty years that my connection with the East has extended, though often placed in the most critical circumstances, I may say, I trust without unseemly boasting, that I have neither failed in any work I have undertaken, nor involved Her Majesty's Government in belligerent sequences, or serious trouble of any kind. What I have commenced has always been carried through to a successful issue on the spot, and with such means as were within my reach.

If I have, since my return to Japan, effected the end desired by means which Her Majesty's Government deemed too hazardous, it will be evident now that the risk was more apparent than real; and to have shrunk from it would not only have been to fail in the object my instructions were intended to secure, but, contrary to both the letter and spirit, to have allowed all our material interests and our position in the country to be sacrificed.

In entering into these detailed explanations I stated that my object was not entirely selfish. I had not only to vindicate myself, but I considered it due to your Lordship, to whom I am indebted, more especially for the confidence hitherto reposed in me as Her Majesty's Representative and Minister here, to show that I had done nothing to forfeit your trust in my judgment and discretion. It could be no reproach to the members of the Cabinet at 14,000 miles distance, to be deceived as to the course most likely to conduce to the desired end; but it would have been a great disgrace to Her Majesty's Representative on the spot, if he had failed to discern the true bearing of events as they passed under his eye, and rightly discriminate which of two courses was best calculated to realize the wishes of his Government, and secure the interests confided to his charge. In doing this, I undoubtedly employed the means placed at my disposal for that end, in a way which my recent instructions seem to condemn. But this I attribute entirely to the difficulty of measuring with accuracy, at such a distance, the real bearing of the action taken, and the progress of events which led to it. There could, indeed, be no better proof than the tenor of these instructions, prescribing four months ago what should now be done and left undone in Japan, that it is impossible to govern our relations in the far East. Part of these instructions are wholly inapplicable at the present time, because Nagato has been attacked, and his defeat with the destruction of his batteries has entirely altered the whole situation. And the other, which has reference to the strengthening of Yokohama by material defences and barricades, after the manner proposed by Captain Roberts, has at no time been practicable for reasons already given.

I confess, if no other alternative remained, I would rather, and I am satisfied so would your Lordship in a similar situation, incur temporary censure for a seeming departure from instructions dictated in ignorance of the actual circumstances, and at an interval of several months, by which the real object of Her Majesty's Government should be secured, than claim merit for a blind obedience, the result of which must be failure and disaster.

I pray your Lordship to pardon me if I seem to speak too boldly. It is not so much in my own defence as in furtherance of those interests which Her Majesty's Government desire to promote in these countries. I am firmly persuaded in whatever hands the charge of the Mission may be placed, it will be found essential to give a large discretionary power, to speak with firmness and decision, in defence of important Treaty rights, and on occasions where delay or vacillation would be obviously fatal, to act in keeping with such language, and according to circumstances, which no Government on the other side of the globe, not gifted with omniscience, can always foresee or make any adequate provision for by precise instructions.

If Her Majesty's Government should deliberately determine that it were better to risk or lose whatever advantages, present or prospective, our connection with Japan is calculated to yield, than to resort to coercive measures and pressure, when Treaty rights are openly and persistently violated; or adopt any course which might by possibility lead to an appeal to force for the final arbitrament of such a question as our expulsion from the country; it would ill become Her Majesty's Representative here, whoever he might be, to oppose this policy. But being convinced that neither your Lordship nor Her Majesty's Government have arrived at any decision of this kind, nor contemplate any exodus of this character for British subjects, I should be untrue to myself and to Her Majesty's Government if I hesitated to submit my opinion honestly and fully on a matter involving national interests of so much importance, from the fear that they might not be in perfect accordance with

the views entertained by Parliament or the Cabinet. All Treaties made with Japan have been forced upon it; and until great changes have taken place in the character, institutions, and government of the people it is in vain to expect that Treaties so entered into can be maintained by a religious abstinence from the use of force as a means. There need not necessarily be any brutal display of physical force; the determination to maintain the Treaties and to exact respect for their chief stipulations may be veiled under diplomatic forms. But whatever forbearance or conciliation may be exercised—however carefully sustained the *suaviter in modo*—my whole experience of twenty years in the East tells me there must be the *fortiter in re* to fall back upon. Force there must be in reserve; and precisely in the degree that there is a conviction in the minds of the Japanese that, if driven to extremities by a persistent refusal to listen to argument or remonstrance, it will indubitably and effectively be brought into action, will the necessity be avoided, or of rare occurrence. It is weakness, or the suspicion of it, which invariably provokes wrong and aggression in the East, and is a far more fertile cause of bad faith and danger among Asiatics than either force or the abuse of strength. Hence it is that all diplomacy in these regions which does not rest on a solid substratum of force, or an element of strength, to be laid bare when all gentler processes fail, rests on false premises, and must of necessity fail in its object—more especially, perhaps, when that end is peace. The very emphasis with which it is insisted upon, and the earnestness of the desire manifested to maintain it at any sacrifice, so far from promoting a good result, directly tends to provoke such intolerable wrong as must bring war. If I am mistaken in this, I have the lesson of all my Eastern life and career to unlearn.

I have, &c.
(Signed) RUTHERFORD ALCOCK.

Inclosure 1 in No. 88.

The British Residents at Nagasaki to Sir R. Alcock.

Your Excellency,

Nagasaki, November 11, 1864.

BY overland courier from Yokohama, with dates to 23rd October, we received news of the probability of your early return to England.

We hasten to address you in hope that the present may reach previous to your departure, with the expression of our thanks for the benefits which we consider your forbearing yet firm policy has conferred and will yet further confer upon us as British subjects resident in Japan.

We view almost with dismay your departure, regretting exceedingly that you should be leaving at a period when the policy you, in conjunction with the Representatives of the other large Treaty Powers have pursued is beginning to bear fruit, and at a moment when a steady adherence to the same course would appear so essential, requiring, we feel sure, all your long experience of the Japanese character to thoroughly establish.

To us residents in Nagasaki proofs enough and without number of the steady, cunning, and persevering attempts of the Japanese officials to evade by any means many stipulations of the Treaty, the carrying out of which in a fair spirit does not suit their views, and it is only since they have found that their long immunity from punishment was due to the forbearance and not the want of capability on the part of foreign Powers (as taught them first at Kagosima, but more especially at Shimonasaki) that their bearing has become more civil, and the attempts on the part of the two-sworded class to treat us as inferior not so apparent or openly insulting.

We need hardly repeat how often, about and subsequent to the date of the first foreign flag being fired upon at Shimonasaki, two-sworded men used actually to walk out of their way that they might jostle foreigners in the settlement itself, while our houses did not protect us from their intruding in the most defiant and insulting manner. Fortunately one case only of attempt at murder has occurred in Nagasaki, but for this there can be no extenuating plea made of the slightest provocation, as the sufferer was well-known as an inoffensive well-behaved man, and while walking quietly in our own settlement was brutally cut down without even being aware of having touched the man who committed the deed, and we think the latter might easily have been arrested had the Government so wished it, as he left behind him two traces which might have led to his speedy detection.

We recall these occurrences, and the fact that up to the time of the demonstration at Shimonasaki we lived in a constant state of anxiety for the safety of our lives and property caused by the threatening demeanour of the two-sworded class round us, now no longer apparent, for the reason that to your wise method of procedure with the Japanese

Government we feel indebted for our present feeling of security, and further for the conviction that a large stride has been made towards bringing foreigners to a better understanding with the nation generally; while we believe the force you were compelled to employ, and which would at first appear to those unacquainted with Japanese character and politics so likely to involve the country in a disastrous war, will have, or, we are justified in saying, has had, the effect of securing peace on a firmer basis; first, having strengthened the Tycoon's Government by showing to the Daimios unacquainted with foreigners the power to chastise when provoked beyond endurance; and, secondly, by having given to the Tycoon's Government practical proof of the power of foreign arms.

The opening of the Straits of Shimonasaki has favourably affected our trade, not only because junks from the Inland Sea laden with produce for sale to foreigners formerly detained can now pass through, but also because a fear which possessed all the principal native merchants of trading at all with foreigners has now passed away, and men who actually secreted themselves for fear of their lives have now resumed business, giving an impetus to trade, which from the early part of the year till very recently has been almost stagnant, but now gives decided symptoms of briskness during the winter.

For these improvements in our position we feel indebted to the policy you have pursued, and we trust you will accept our sincere thanks for the benefit that in your position as Her Britannic Majesty's Minister you have secured for us as British subjects.

Wishing you every prosperity and success, in the hope that your absence may not be of long duration, we have, &c.

(Signed) THOMAS B. GLOVER.
(And 21 others.)

Inclosure 2 in No. 88.

Mr. Glover to Sir Rutherford Alcock.

(Extract.)

Nagasaki, November 12, 1864.

BY the "Overland Courier," from your port, bringing dates to 23rd ultimo, I was very sorry indeed to learn of the probability of your leaving Yokohama.

This news has thrown a gloom over the spirits of not only the English merchants, but has caused a great feeling of disappointment amongst a great portion of the Japanese high officials, such as the agents of Satsuma, Hizen, Chikuzen, Owagura, &c., and many of the Government officials with whom I am on the most intimate terms.

These Japanese, as well as the foreign merchants, were looking forward to reap a harvest of peace and continuance of uninterrupted trade for years to come on account of the wise policy which you have adopted towards the Japanese Government, and the news of your leaving is much felt in this place.

I trust, however, that the news is not altogether correct, and that you will remain in Yokohama, at least, so long as to show to the English Government the good effects of your short sojourn.

The Prince of Satsuma has sent the anchor and chain which the "Perseus" lost at Kagosima, as promised me some time ago.

No. 89.

Earl Russell to Sir R. Alcock.

Sir,

Foreign Office, January 31, 1865.

I HAVE received your very full and able despatch of the 19th of November.

Your former despatch contained a satisfactory justification of the course which, in co-operation with the Representatives in Japan of the other Treaty Powers, you have so successfully pursued. Your despatch of the 19th of November makes this justification complete.

The despatches from this office of which you speak, were written in the belief at that time that trade was uninterrupted, and that no serious attack on Yokohama was in contemplation.

Circumstances on the spot were of a totally different complexion. The energetic course you pursued in concert with the Representatives of the other Treaty Powers in these

altered circumstances has been entirely approved by Her Majesty's Government, as you will have found by my despatch of the 2nd of November.

You were ordered home that you might in person give to Her Majesty's Government fuller information as to the state of things in Japan than mere despatches could convey, and that thus Her Majesty's Government might be able to come to a satisfactory decision as to the course of policy which it might be best to pursue with respect to Japan ; but the order given to you to return home for that purpose was by no means to be understood as implying your removal from your post.

On the contrary, after hearing from you your explanation of the present state of affairs in Japan, I shall wish you to return at once to Yokohama, to perform in Japan such additional meritorious services as may be expected from your tried ability and long experience.

I am, &c.
(Signed) RUSSELL.

CORRESPONDENCE respecting Affairs in Japan.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

JAPAN. No. 2. (1865.)

DESPATCH

FROM

SIR R. ALCOCK

RESPECTING THE

MURDER

OF

MAJOR BALDWIN AND LIEUTENANT BIRD,

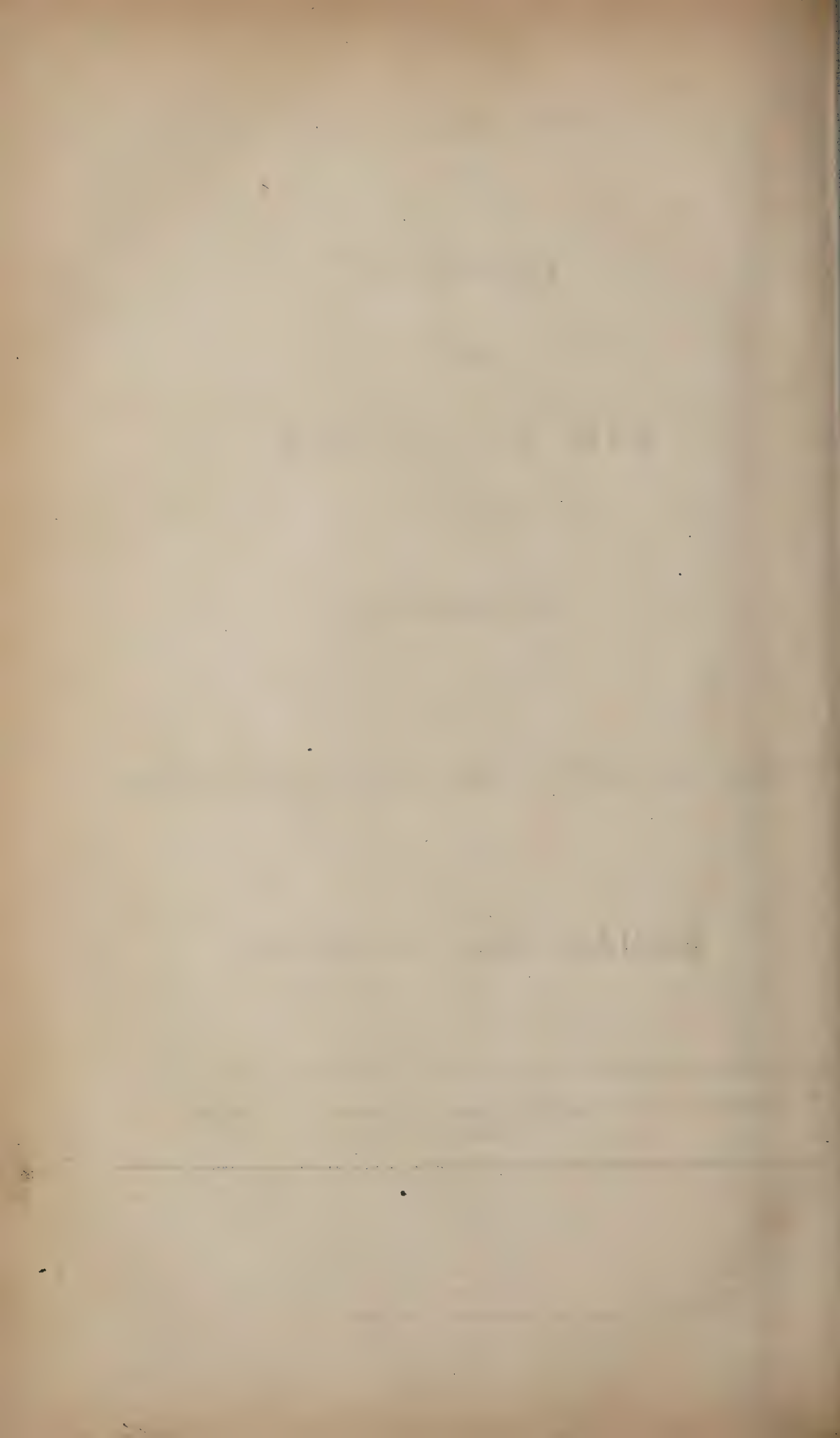
AT

KAMAKURA, IN JAPAN.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:

PRINTED BY HARRISON AND SONS.



Despatch from Sir R. Alcock respecting the Murder of Major
Baldwin and Lieutenant Bird at Kamakura, in Japan.

Sir R. Alcock to Earl Russell.—(Received January 26, 1865.)

(Extract.)

Yokohama, November 29, 1864.

IT is with great regret that just on the eve of my departure from this country, I have to report another outrage to be added to the long series of barbarous murders in which foreigners have been the victims.

The covering despatches of Mr. Consul Winchester, with their several inclosures, will put your Lordship in possession of the leading circumstances attending this last painful evidence of the continued insecurity of life in Japan. The inclosed printed slip giving the proceedings of the Coroner's inquest, together with a summary, although not official, is essentially accurate, and will supply the place of the record which there is not time to copy.

Major Baldwin and Lieutenant Bird, both officers of the 2nd Battalion 20th Regiment in garrison here, made an excursion on the 20th instant to Kamakura, a large temple within the limits of the port, but some seventeen miles from this. They were waylaid, it appears by evidence, about 2 o'clock that afternoon, close to the avenue of the temple where three roads meet, by a couple of two-sworded men, and cut down. The evidence of a little boy about eleven years old is by far the most explicit and trustworthy. He says he saw the two officers riding leisurely one after the other, the younger (Lieutenant Bird) first; and then two samurais who had already roughly warned him to go away as there was danger, draw their swords and rush upon the unsuspecting travellers. The first was instantly dismounted, when the boy in terror took fright, and saw no more.

About 1 o'clock the following morning, the Governor of Kanagawa came to Mr. Consul Winchester's house, and informed him that he had heard two foreigners, said to be English officers, had been attacked at Kamakura, one killed and the other severely wounded. He admitted that the intelligence had reached Kanagawa three or four hours before, between 9 and 10 o'clock it seems. This delay he explains by stating that his residence being some distance out of the town, and the Vice-Governor having first to be found, a considerable time had elapsed before he could himself take any steps; that he had then instantly despatched some of his own officers to the scene of the murder, and subsequently walked to the Consul's house, a distance of some two miles or more; when he also lost some time gaining admission.

This was not very satisfactory, but unfortunately it was not without many precedents. It appears to be the invariable rule, in all cases where foreigners have been murdered, in the first place to send, for instructions no doubt, to the Government at Yeddo, and despatch their own emissaries to the scene. The last step is taken, I believe, with the object principally of securing what evidence is to be had on the spot, and providing against any being given to the foreign Consuls, other than such as they, the authorities, shall deem fitting or expedient.

I mention these circumstances because in the present instance this common practice has a very painful bearing on the worst features of this deplorable case.

The evidence of all the Japanese leaves no doubt that one of the officers survived many hours, certainly if any of them are to be believed, until 10 P.M. It is further established that the survivor was Lieutenant Bird, his companion Major Baldwin having been killed on the spot, by the concurrent testimony of several eye-witnesses.

The dead and the living were removed, after an uncertain interval of an hour or two, to the vicinity of a tea-house, and there laid together on mats stretched on the ground, and a bamboo shed raised over them. The Chief or head man of the nearest village was sent for by some of the country people who first saw, or admit that they saw, the mangled foreigners, and from about 5 P.M. they must be held to have been in his custody. By his

order they appear to have been removed from the place where they fell, a Japanese doctor sent for, watches in charge set over them, and a messenger despatched to the Governor at Kanagawa with information of the deed. This doctor and others depose to have been with the survivor, to have heard him speak, move his head, drink water, or seem to drink it, and medicine. This until about 10 o'clock, when they say he died. Up to that time the doctor deposes he remained with him.

The horrible circumstance connected with these facts is the evidence of the surgeons, after careful post-mortem examination of the wounds, that one which Lieutenant Bird received across the back of the neck had divided the spine across the bodies of the second and third cervical vertebræ, completely severing the spinal cord at that point; and they declare, that after receiving such a wound he could not have survived, but must have died almost instantaneously.

The only inference upon such evidence is, that this unhappy victim of Japanese treachery received his death-wound while in the custody of his keepers, and many hours after the first onslaught. If so, by whom was this last wound given, and with what motive? Where were the men, placed in charge? Were they accomplices and present, or merely faithless to their charge and absent, or driven away and accessories after the fact? The tomb is not more silent than they are on any matter tending to throw light upon a second deed of treachery. They declare they remained by the wounded man until he died, unmolested and undisturbed by any one.

If the report of the two regimental surgeons is to be implicitly relied upon—and it is too precise in its terms and specific in its evidence on the one point essential, the severance of the spinal cord at the part indicated and by a clean cut, apparently the same which divided the bones of the vertebræ and the covering soft parts, to leave any reasonable ground of doubt—there is an end of all question as to the fact of a deed of murder with connivance of his custodians, of almost incredible atrocity. The only possible alternative, the supposition that the wound first given may have divided the fleshy parts and the bones only, and the cord thus unprotected may have been torn across in moving the body before surgical scrutiny when it arrived in Kanagawa, seems to be negated by the very distinct nature of the evidence of the two surgeons; they state that they ascertained it had been completely severed, and by a clean cut, in the exact direction of the external wound.

But on this assumption, as many of the witnesses depose to a wound in the neck, and he had but one, we are driven to the scarcely less perplexing conclusion that many hours later a final act of butchery was perpetrated under circumstances all but incredible. The assassin must have turned over the helpless body of his victim and struck a savage blow down through the spine, so exactly in the line of the original wound as not to be distinguishable from the first, or thrust a sharp-bladed knife into the first wound dividing the cord and that only, almost with surgical precision. But this implies a degree of forethought and calculation if not of scientific knowledge as to the functions of the spine of which I do not believe Japanese "samurais" capable. It would seem much more natural, if any of the same class as the original assailants had desired to put an end to the foreigners, to conclude they would have taken the simplest and most expeditious mode, and drawn a short sword across his throat or plunged it into his body. They might make sure of the silence of any Japanese, and no foreigner had seen either victim, to count or describe the wounds first received, and so betray the fact that another had been subsequently added.

I confess the difficulty appears to me equally great whichever view be taken; that indicated by the surgeon's report, or the other suggesting the possibility of their being mistaken, not as to the severance of the cord but the mode and time when this may have taken place, before or after death.

Colonel Browne was immediately communicated with, and a party of mounted artillery at once dispatched to Kamakura, with Mr. Fletcher as interpreter, where they arrived soon after daybreak; and after examining the ground in the vicinity, and endeavouring without success to get some information, they returned with the bodies.

Sakai Hida no Kami, one of the Second Council, was sent to me from Yeddo by the Gorogio on the evening of the first day, to convey their condolences—the expression of their regret that such an event had occurred, at this moment above all others, when the relations of the Tycoon's Government with foreign Powers were daily assuming a more satisfactory character. The Vice-Minister seemed really affected, and assured me in the most earnest manner that no efforts should be spared to track the murderers, and, if possible, have them executed on the very scene of their crime before I took my departure. The inclosed official communication to the Gorogio on the subject was dispatched the same day.

I believe, as I stated therein, that the Tycoon and his Council alike deplore the perpetration of such a crime, at this time more especially. I think it is very probably the

act of those who are equally hostile to him and to foreigners. There does not seem to have been any personal motive connected either with the victims individually or their nationality. They were not in uniform, or otherwise distinguishable from other foreigners who were in the neighbourhood on the same day, visitors and residents. It seems to have been neither more nor less than one of those periodical manifestations of deadly hatred and political fanaticism of which we have had too many examples, and directed against all foreigners indiscriminately. They might have been French, Dutch, American, or of any other nation. It is extremely improbable that the assailants knew or cared to know what was their country. They were out like red Indians in their war paint on a scalping expedition; and watched their opportunity to cut to pieces the first unsuspecting strangers they fell in with.

They have been tracked, so the authorities inform me, into Yeddo, and out again on the middle tokaido leading to Kioto.* There seems to be some hope, therefore, of their arrest. All the more that their leaving Yeddo so promptly is tolerable evidence that the Government is so actively in pursuit as to have given them a sense of insecurity even in the cover which a great city affords.

But it is impossible to forget that twelve similar onslaughts have been made on foreigners, and in no one instance has justice had its due. Even in the only case where men were executed—three of those concerned in the first attack on the Legation—the Government did not venture, in exposing their heads, to declare their crime or admit that it was for an attack upon foreigners.

Long experience has shown, as a matter of fact, that every foreigner coming to Japan carries his life in his hands, and is exposed to the fatal contingency of being suddenly set upon, and without the slightest warning or provocation to be cut down in open day by ruffians of the two-sworded class.

The main source of this danger is probably to be sought in the disturbed state of the country, and the weakness of the Tycoon's Government, both combined. Feudal jurisdiction and territorial divisions are great impediments in the administration of justice and facilitate escape; and this is another cause of insecurity to life. The prevalence among the dangerous classes who are privileged to wear two swords wherever they go, of a political fanaticism, in which hatred to foreign intrusion and the innovations on old customs and privileges which come in their train, is no doubt a predominant motive of action with most of the assassins. This feeling of a national character more or less underlies, if it does not directly prompt the *guet-à-pens* in which foreigners fall. In some cases there is probably an ulterior object of a more definite kind and strictly political character. Hostile parties seek by such outrages to embroil the Tycoon with foreign Powers, hoping in the confusion that he himself might be more easily got rid of. In other cases it has seemed to be part of a system of terrorism and intimidation, by which the anti-foreign faction hope to secure either the voluntary withdrawal of foreigners from the country, or at all events their restriction to the limits of the foreign Settlement and comparative isolation.

The greatest of all sources of danger, however, in presence of all these various motives for violence, is to be traced to the assured immunity of those who perpetrate the murders. The same enmities and passions might prevail with comparative freedom from danger to the foreigner but for this certain impunity to the offender. No remedy can be effective which stops short of securing the prompt arrest and execution of the perpetrators of these murders. This alone can strike at the root of the evil.

Security to individual life (apart from the general and collective security which has, I hope, been tolerably well assured now as regards the foreign Settlements)—a security which has never existed since the first opening of the ports, will have to be sought, I am thoroughly persuaded, by other means than any yet resorted to, and with that special object in view.

In all the dismal series of butcheries and assassinations, beginning with the Russians, taking each nationality in succession and indiscriminately until this last, of which two British officers are the victims, there is no instance on record of the arrest and punishment of the offenders.

Inclosure 1.

Consul Winchester to Sir R. Alcock.

Sir, Kanagawa, November 24, 1864.
I HAVE the honour to wait upon you with the following report relative to the deaths of Major Baldwin and Lieutenant Bird, of the 2nd Battalion 20th Regiment.

* This has since been contradicted.—R. A.

A little before 1 A.M. on the 22nd instant I received a visit from the Governor of Kanagawa, who informed me that two English officers had been attacked at Kamakura, one of whom was quite dead and the other severely wounded. I asked if they were naval or military officers, but on that point the Governor could give no information. At what hour they had been attacked? and was answered, between 3 and 4 P.M. English time. By whom? By Japanese unknown, doubtless, whom every effort would be made to discover. When and how had the Governor received the information at his residence? At 9 P.M. by a written report from the Chief of the village. What steps had been taken by the Governor? A Shirabiac and party had been despatched at once to Kamakura to give assistance to the wounded survivor, if still alive; the Governor believed that the Japanese doctor of the village was giving what aid he could. Was the Governor certain that one was alive? The report said so, and the messenger who had brought it and had left Kamakura before 7 P.M. confirmed the report. The wounded man had himself said he was an English officer.

I endeavoured to obtain a description of the two officers, and in doing so was told that it was the younger of the two who survived.

Dismissing the Governor with a request to keep some mounted guides and an interpreter ready for immediate service, I at once proceeded to make to you a verbal report of the melancholy intelligence.

Arrangements were forthwith made with Colonel Browne, commanding the garrison, for the despatch of a strong party to Kamakura. This detachment consisted of Lieutenant Wood and twenty-five mounted artillerymen, and was accompanied by an assistant surgeon and Mr. Fletcher. It left at once, and returned about 1 P.M. with its melancholy convoy.

Yesterday an inquest sat for five hours, and terminated in a verdict of "Wilful murder against Japanese swordsmen unknown." The original minutes of the proceedings were at once placed in your hands.

The Japanese evidence taken separately by the Governor was rapidly translated by Mr. Fletcher, and read by him as a statement communicated from a third party. I concur with the opinion the jury have expressed of its unsatisfactory character.

Perhaps the most painful consideration remains to be told. Since the Governor left me on Tuesday morning I have had several interviews with Vice-Governors and officers, and have been uniformly assured that it was the fair-haired young man who survived till 7 P.M.; that medicine was offered to him and declined, but that he kept continually calling for water, which he swallowed, and that he was able to say he was an English officer. In taking down the evidence, the fact of Mr. Bird being the survivor was several times repeated to Mr. Fletcher.

Mr. Bird was tall and thin, with only a downy appearance of hairs on his face. Major Baldwin was several inches shorter, his countenance and figure distinctly indicating middle age, his face of a dark complexion, and covered with an abundant dark beard and moustache and whiskers. The contrast between two men of the same race could hardly have been more striking.

On viewing the body at the time the inquest commenced, the wound in Mr. Bird's neck struck me as quite incompatible with the continuance of life, or the performance of the functions of speaking and swallowing. The severance of the spinal cord between the second and third cervical vertebræ must at once put an end to respiration. This opinion was fully confirmed by Dr. Woodward in his deposition.

The other wounds received by Mr. Bird were on the extremities, and though of the frightful nature usually inflicted by Japanese assassins, would not necessarily have been immediately fatal; whereas the wounds on Major Baldwin's face and back were much more severe and deadly, and though compatible with a short continuance of life hardly with a survivorship of three hours.

The inference from these premises (if they can be depended on) is very sad, viz., that the ruffians finding the prolongation of Mr. Bird's life rendered it possible that he might live to tell his story to some passing foreigner (for besides Mr. Wirgman's party at Fuisawa, there were three or four Dutch naval officers who arrived at Kamakura or Fuisawa before dark, and remained at a tea-house about a mile distant from the spot) finished the hours of the unhappy youth by the *coup de grace* on the neck. A statement was the same evening made to these last gentlemen that two foreigners had been killed, by one of their Japanese boys, who said it came from the landlord of the tea-house; that person on being interrogated denied having said so.

My own impression is that these gentlemen were attacked as they returned from visiting the great statue, before they reached the point where the great road in front of the Hajiman divides, that the horse of one gentleman carried him on to the point on the road towards the sea where the bushes were found sprinkled with blood, and that the

body was thence removed to the spot where it was found by Lieutenant Wood and his party; where the other fell, I can form no conjecture.

Such an atrocious crime and melancholy catastrophe have created much excitement among, and cast a gloom over, the whole foreign community. The receipt of the intelligence at night, and the prompt despatch of the mounted party, took away all motive for the wild general rush which heretofore was wont to attend the occurrence of similar catastrophes.

Both Major Baldwin and Mr. Bird were remarkable for their mild and inoffensive disposition, and the former was an officer of recognized discretion and good sense.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

Inclosure 2.

Consul Winchester to Sir R. Alcock.

Sir,

Kanagawa, November 26, 1864.

I HAVE had the honour to place in your hands the notes of the statements made yesterday and to-day by the Japanese witnesses brought to Yokohama from Kamakura, relative to the murder of Major Baldwin and Mr. Bird, of Her Majesty's 20th Regiment.

The evidence was taken yesterday in presence of the Governor, Vice-Governor, an examining magistrate, and numerous staff of Japanese officers; the three captains of the 20th, who sat on the coroner's jury, and Messrs. Fletcher, Sibbold and Satow, by whom the interpretation was conducted entirely to my satisfaction.

After each statement had been made, it was read over in Japanese from my written notes, and its correctness acknowledged by the witness; but when on conclusion of the *second* translation of the first statement, I requested that the witness might sign it, the Governor objected to his being called on to do so before his own interpreters had an opportunity of translating it. To-day the procedure was in every respect similar, but the Governor was not present.

The general result of the evidence may be briefly stated as follows:—

The unhappy gentlemen after visiting the colossal statue of Budha, mounted to ride homewards, and were attacked on the same road at or near the little bridge where the hat and two pairs of Japanese clogs were found; that the horse of one carried him on to the point of the road leading towards the sea, about forty yards from the division of the three-fold road leading to the Hajiman; that the officer who survived until 10 o'clock P.M. was beyond all question Lieutenant Bird, and that he and the body of Major Baldwin were removed to the court-yard of Yasiyemon's house, possibly for the accommodation of the village authorities, who found it more convenient to watch them in the neighbourhood of a house; that Mr. Bird spoke, swallowed, and moved his head in a manner not compatible with the then existence of the wound in his neck, according to the description given by Dr. Woodward; that the hat was recognised by the female seller of sweetmeats, who sat at the gate of the temple, as being that of one of two samurais who passed into the great temple, and immediately left it.

I pointed out to the examining officer that, supposing the attack upon these gentlemen not to have been seen by any actual witnesses, the wounded men must have been discovered by some one person or party in the first instance, and that no one had been produced at first giving the alarm. He admitted this, and said that they had been actively trying to discover who the person or persons were.

Also that the priests or officers of the great temple ought to be in a condition to give some account of the two samurai stated by the sweetmeat seller to have gone up to the shrine to pray.

The answer to this was an admission that such inquiries had not been made, and that they would at once be set on foot.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

Inclosure 3.

Consul Winchester to Sir R. Alcock.

Sir,

Kanagawa, November 29, 1864.

I HAVE the honour to continue my report on the evidence taken yesterday and to-day with reference to the recent tragedy. Yesterday, the Japanese authorities brought

forward a young boy, aged 11 years, who has given the clearest and most circumstantial account as yet received of the details of the attack.

He was proceeding from his mother's house on the Muira Road, to buy oil at a shop situated about seventy or eighty yards up the road leading to Daibuts. Before reaching the shop he was accosted by two samurai, who inquired about the path to Enoshima. He then purchased his oil, and was walking homewards; when near the tea-house of the Six Stone Images the same men ran rapidly past him. As he came in front of Kichingoro's house, at the division of the roads, he found these men sitting there, and was roughly warned to leave. It would appear that the boy made off and hid behind some trees in the neighbourhood, and there witnessed the first part of what took place.

The two British officers came riding slowly one before the other, Mr. Bird being in front. He was attacked simultaneously by both Japanese, the one cutting and the other thrusting, and fell near a well on the further side of the main road. The horror of such a spectacle naturally induced the boy to take flight, and at this point his positive testimony ends.

I infer from this statement that the ruffians, satisfied that the first officer was sufficiently disabled to give no efficient assistance to his companion, at once attacked Major Baldwin as he came up, who probably fell from his horse about thirty yards down the road leading to the sea, the spot where the plentiful blood-traces spoken to at the inquest were discovered. Having finished Major Baldwin they returned to complete their work on Mr. Bird, who then may have recovered enough to fire the shot which was found vacant in the chamber of his revolver, and after doing so had his fingers cut off.

The evidence of the other two Japanese witnesses, taken on the 27th instant, simply served to trace the progress of the samurai to two stations on a bye-road leading to Yeddo, to which city, in the hope that its extent and population would afford their best means of concealment, such ruffians would naturally betake themselves.

The evidence taken to-day was confined to the two medical officers of the 20th Regiment, Drs. Woodward and Hyde, which was taken with the view of placing beyond doubt the character and extent of the wounds inflicted on the neck of Lieutenant Bird; and, in respect to their statements, I have to remark that they leave unqualified the description and painful inferences to which in my first despatch I felt it necessary to allude as resulting from the evidence of Dr. Woodward.

I have, &c.

(Signed)

CHARLES A. WINCHESTER.

Inclosure 4.

Consul Winchester to Sir R. Alcock.

Sir,

Kanagawa, November 29, 1864.

I HAVE the honour to forward the original notes of evidence taken to-day.

The testimony of the official of the temple simply confirmed the previous accounts of the visit paid by the two samurai, without adding any particulars to those already known.

The keeper of the tea-house near the Six Stone Images, and his wife, obstinately refused to give any information. Afraid of the betrayal of what they had previously said in confidential gossip, they obstinately denied all knowledge of the circumstances.

I did not fail to point out to the Vice-Governor the unsatisfactory character of the day's inquiry, and again pressed on him the production of such witnesses as would serve to complete the history of the murder.

The Vice-Governor replied that they would endeavour to do so; and went on to observe that the Japanese police, while admitting that the discovery of the details was a matter of real interest, considered them of much less importance now that the information which would lead to a discovery of the two samurai, of whose guilt there was no doubt. Statements of whence they came, where they were born, or whose service they had belonged to, were what they most required to give them a clue to their present movements.

One of the first acts of the Governor on receiving the report from Kamakura, before communicating with myself, had been to dispatch a courier to Yeddo, to put the different guard-houses on the approaches to the metropolis on the alert.

I have, &c.

(Signed)

CHARLES A. WINCHESTER.

Inclosure 5.

*Translation of Japanese Evidence.**The Rough Account of the Inquiries and Researches made by those sent in pursuit of the Criminals, communicated by them before they set out.*

[The original Japanese sheets were brought to the Consulate by the Vice-Governor, who very unwillingly allowed the Consul to detain them for a day while a copy was made, from which the following translation was made by Mr. E. Satow.]

ON the evening of the 22nd instant* two strange-looking men, of the appearance of two-sworded men, came to Totsuka from Kamakura,† and rested at an eating-house called Kadoya, at the edge of the Bridge Yoshidabashi. After that they entered upon a path among the hills, and, calling at a dry-goods shop called Adsusamisé, on the road to the village of Akuwamura, asked the way to two bridges called Seyabashi and Shindenbashi. They went on towards this village, and about 8 o'clock in the evening stopped at a buck-wheat-shop, where they ate some of this food. After borrowing a lantern of the Odawara pattern and candles, they passed along the footpath leading to Tsuruma mura; then, coming to the four cross-roads at Nangatsuda mura, they entered a tea-house at 10 o'clock, and, having asked the road to Mizonguchi mura, proceeded thither. About midnight they called at the house of a peasant at Shimosakunabe mura.‡ on this side of the former place, who had a party of friends, and was, therefore, sitting up late, and, saying that they were hungry and forlorn, begged that something, no matter what, might be sold them to eat. They entered the house, and ate and drank. A little before 4 o'clock in the morning they crossed to Futanga mura§ in the ferry-boat. Although all the accounts obtained from those examined about the matter agree thus far, as yet the inquiries are still unfinished. And as it is possible these may have been the persons who murdered the foreigners, measures are being taken for pursuing them.

Evidence of Sei, aged 62, widow of the peasant Jimbei, resident in Yukinoshta mura, in the District of Kamakura.

She was examined as to her keeping a sweetmeat-shop before the Niomon Gate, at Tsurungaoka, and having seen sworded men there.

Declares the following:—Possesses an income of 9 tempos per annum; lives together with one son and one daughter; lives by selling sweetmeats in front of the Niomon gate of the Temple of Hachiman, at Tsurungaoka; goes there every day to attend to the stall; went there on the 22nd, but, on account of the violent wind and the absence of persons visiting the temple, was about to shut up the stall, when at 3 P.M. came two men, wearing swords, to visit the temple. One appeared about 34 years old; is not certain of what colour, but fancy to have been either black or a colour very much like it, the cotton mantle which he had on; the trousers were perpendicular stripes of grey colour; his under-clothing was nearly black, and with no pattern; does not remember whether he had a crest or not on his dress; he had a bamboo-stick in his hand, to which a piece of cord was attached. The other man was about 24 or 25 years old, with a black cotton coat, and grey-striped trousers; does not remember his under-clothing nor the crest. He had on a round plaited-bamboo hat. [Not the pattern of that produced in court.—E. M. S.] Both of them had on wooden shoes. Before they went into the temple-grounds, he left this hat on the seat before the stall. Soon after they came out again, and came to get the hat again, which was handed to them. They then left without resting at all; both went away through the Niomon gate, and did not pay for the tea they had drunk.

Declares the above exactly as it occurred.

(Signed) SEI.

Evidence of the Nanuski Takajiro, aged 34, chief of the village, and of Zembei, his subordinate, aged 36, of Omachi mura village, in the District of Kamakura.

Examined as to the details of the wounding of two foreigners before the dwellings of Yasuemon and another in the same village.

Takajiro declares as follows:—I possess land to the amount of something over ten kokus of rice. My family consists in all of eight persons. I hold the office of chief of

* Corresponding to 21st of ours. † 10 miles. ‡ 24 miles distance from Kamakura.
§ 5 miles distance from last place.

the village. On the 22nd instant I went out early in the morning, to do some farming at a place called Jikubo, and about 4 o'clock in the afternoon of the same day my servant Monzo came to where I was labouring, and told me that a peasant of our village, named Rokuzaemon, had been to inform me that he had heard from some passers-by of two foreigners who had been wounded, and had fallen down in the road before the houses of two villagers, Yasuemon and Kichijiro. I was much alarmed, and hastened immediately to the scene of the murder, where I found Kiuzaemon, deputy of the peasants. Having assured ourselves of the fact, Kiuzaemon went to inform the chief officers of the temple at Tsurungaoka, named Iwasé Chikara and Ishikawa Kenmots, and, after them, the others. Upon some of these temple yakunins arriving at the spot, Chikara ordered that some one should instantly start to inform the Custom-house of what had happened, whilst he also would send a messenger. In consequence of which my subordinate (Toshiyori) Zembei set out about 5 o'clock on that afternoon, to report the affair. I have not the slightest idea of who were the persons that committed the above murder.

Zembei declares as follows :—

I possess an income of rather more than five a-half kokus of rice. My family consists of seven persons, and I fill the office of Toshiyori (sub-mayor). On the 22nd instant the peasant's deputy came and told me he had seen two foreigners who had been murdered, lying before the dwellings of the villagers Yasuemon and Kichijiro in the road. I immediately went to the place, where I found the Nanushi Takajiro and some of the villagers. The rest is exactly as stated in the evidence Takajiro. After consulting with him, I set off at 5 P.M. to convey the information to the Governor of this place. I have no idea whose act the murder was.

The above statements are perfectly true.

(Signed)

TAKAJIRO.
ZEMBEI.

Evidence of Yasuemon, aged 30, and Kichijiro, aged 54, peasants of Omachimura, in the district of Kamakura.

They were examined concerning the murder of some foreigners before their dwellings.

Yasuemon declares as follows :—I possess land to the value of half a koku. I am an agricultural labourer. On the 22nd instant I took my victuals with me, and accompanied by my wife and child of 4 years old, named Fukutaro, started at 8 o'clock in the morning for a piece of land of mine called Saské-nga-tani to sow barley. In the afternoon, about 4 o'clock, a peasant named Kikujiro came to tell me that there were some foreigners lying wounded in front of my house, and that I had better return home immediately. I felt much alarmed, and returned with him immediately to the place, where I found the Nanushi Takajiro with other of the village yakunins and people already assembled. As I was away from my house, I have not the remotest idea of who it was that committed the above murder.

Kichijiro states as follows :—I possess lands to the yearly value of about one koku of rice. My family consists of three persons in all. In the intervals of working in the fields I work as a sawyer. On the 20th instant I went to the Temple Jinbuji, at the village of Numamamura, in the district of Miur in Sangame, to work there by the day. I was stopping there, when a little before 8 o'clock in the evening of the 22nd, Yasungoro and Yoshingoro, peasants of my tithing, came to the temple, and on seeing them they told me that some wounded foreigners were lying in front of my house, and that I had better return home with all speed. I was alarmed, and went with Yasungoro and the other. I do not know at all how the thing happened. My daughter Sumi is living as a servant in the house of one Shozuemon, who keeps an inn called Kadoya, in the neighbouring village of Yukinoshta-mura. My wife Kiyo had gone to assist a relation living in our village, named Genzaemon, in threshing rice, and stopped there the whole day, and therefore, like me, she has not the slightest knowledge of what occurred.

The above statements are perfectly true.

(Signed)

YASUEMON.
KICHIJIRO.

Evidence of Kichingoro, aged 24, and Iwazô, aged 21, protégés of Mikizo in Otamachi Hachchomé.

They were examined as to their being sent with a relay of ponies to Kanazawa by certain Englishmen, who made an excursion in that direction.

Declares as follows :—Kichingoro is the son of Hanské, a villager of Kusabamura, in the district of Mü, in the Province of Chikungo, domain of Arima Nakadsukasa no Taiyu. About the middle of the 10th month of the year 1862 he accompanied his lord to Yeddo, and served as a “betto” in the palace there. During the third month of the present year he was discharged, and came to Yokohama, where he became a protégé of the above-mentioned Mikizo. At first he got employment as “betto” at the Custom-house, and was regularly hired from the 5th month. The following month he was discharged. Through the medium of an acquaintance, Fusakichi, in the service of the Englishman Thomas, he got employment there also, where he remained till the 24th of the 7th month, when he got his discharge; and soon after a “betto” named Kiukichi, belonging to whose stable he does not know, got him a situation as “betto” in the stable of the 67th Regiment, belonging to the English garrison on the hill by Kitakatamura, in Musashi. After that he became a “betto” of the 20th Regiment. Iwazô is the son of Iské, a native of Kamiyashki-mura, in the district of Sano, in the Province of Tôtomi, domain of Ota Sajiro. In the year 1858 he was employed in the stables of the lord of that place, and was discharged in the beginning of 1859. In the 9th month of that year he entered the service of Itakura Suwô no Kami. In the 8th month of the next year he left, and became under “betto” in the stables of Matsdaira Tosa no Kami, under the orders of a “betto” named Mankichi. This man was dismissed at the beginning of 1861, and they both went away. After becoming a “betto” to Tsuchi Ohosumi no Kami by the good offices of Kohichi, he heard that Mankichi had gone to Yokohama and entered the service of a foreigner. In the 1st month of this year he came here himself, and became a protégé of the aforementioned Mikizo, who is his guarantee. He became a “betto” in the stables of the French garrison on the above-mentioned hill. A month ago he entered service of the 20th Regiment in the English garrison. On the 21st instant they were told by two soldiers named Safu and Shon that two Englishmen belonging to the garrison were going to ride to Enoshima, and that they must go with a relay of ponies to Kanazawa, and lodge there, in order that when the aforesaid foreigners came there they might change their ponies for those taken there by the “bettos.” In accordance with these orders, they started a little after 2 o'clock with a couple of ponies, and arrived duly at an inn called Fukumotoya, kept by a man of whose name they are ignorant, where they stopped. At 8 o'clock next morning the above foreigners came riding in, and after changing horses rode away towards Kamakura. Having been told to bait the ponies which they had ridden to Kanazawa and wait there, the “bettos” waited till evening, but the foreigners did not come back. Whilst they thought this rather strange, a “betto” named Tokuzo, belonging to the American Consul, passed by the inn, of whom they inquired whether those foreigners had returned home, and replied that there were five or six remaining at Kamakura. On hearing this, and as they did not return, the “bettos” determined to pass the night there. It was at the aforesaid Fukumotoya, and they were lying down, after discussing the propriety of one of them going over to Kamakura next day, when a little after 4 in the morning the Swiss Consul, with two Indians and ten other foreigners, of what country the witnesses did not know, but belonging to some guard armed with muskets, passed before the house on horseback, coming from Yokohama. Not knowing what to make of these foreigners coming here before daylight, and also that the two foreigners who had gone to Kamakura had never returned, they felt very anxious, and leaving the horses they had brought to the care of the people of the inn, they set out and came to the inn called Kadoya, kept by one Shozaemon, before the Temple of Iiachiman at Kamakura, and when they inquired a “betto,” name unknown, who was there, told them that two foreigners had been killed at a village called Omachimura. They went therefore to the place indicated, and looked, and saw that the foreigners who had employed them had been wounded and died, at which they were struck with fear, and informed the yakunins who were in charge at that place of their being the “bettos” of those persons. And when they had communicated this to the Swiss Consul, who was present, the two ponies which they had ridden were delivered over to the “bettos.” The bodies of the foreigners were put on a bier, carried by coolies, and, accompanied by a large number of foreigners, they were carried to the Adzumaya, kept by Yasu-e-mon at Kanazawa, and they followed after leading the ponies. At this place two of the company of musketeers mounted these two ponies, and of the two ponies left in charge at Fukumotoya an Indian took one to ride on, and they led the other back to Yokohama. They do not know anything about the way in which the above-mentioned foreigners met their death. This statement is perfectly true.

(Signed)

KICHINGORO.
IWAZO.

Written evidence of Iwasé Chikara, an officer of the Temple of Tsurunga oka, in Kamakura.

I make the following statement:—About 4 o'clock in the afternoon of the 22nd, some persons unknown attacked and wounded two foreigners who were riding along the road through Omachimura, which lies in front of the great gate of the Temple of Hachiman, at Tsurunga oka. One died and the other lived.

Respecting this affair, I have the following statement to make:—On the afternoon of the 22nd instant a peasant's deputy, Kiuzaemon, came to report to me that about 4 o'clock some unknown persons had inflicted several violent wounds on two foreigners riding on horseback just in front of the residences of the peasants Yasuemon and Kichijiro, in the village of Omachimura, in front of the great gate of Tsurunga oka; that one had died, but the other was still alive. That the Nanushi Takajiro had been working in the field, and had just come back, and went to the spot and instantly told Kiuzaemon to go and report it, which he did; and I reported it to all the yakunins of the temple, and after they had come and made their inspection, I ordered Takajiro to send immediately to report the matter to the Governor here, and to do what was necessary for the foreigners. When I told this to the people of the temple, one of the temple yakunins set out immediately at about 8 o'clock, to report the affair to the Governor. When I went to inspect the place, the houses of Yasuemon and Kichijiro were shut up. On asking a village yakunin the reason of this, I was informed that Yasuemon and his wife had gone out to work in the fields, and that Takajiro had gone to Numama mura, in the district of Miura, to cut timber, while his wife had gone out to work in the fields, and so there was no one at home in either of the houses. Yôské, one of the village yakunins, came to tell me that the second one had died at 10 o'clock in the evening. Next morning, before dawn, arrived the Government officers, who took charge of the corpses of the foreigners. Everything stated in the above document is perfectly true and correct.

(Signed)

IWASE CHIKARA.

Evidence of Monzô, aged 20 years, servant to the Nanushi Takajiro.

He was examined as to his having gone to inform his master Takajiro, who had gone out to work in the fields, of some foreigners having been murdered in the village. States as follows:—Is the son of Tazaemon, a resident in Kitakubo-mura, in the district of Miura in Sangami; has been living as servant to Takajiro since the year before last. On the 22nd instant he went out to work in the fields, and I remained at home to hull rice. About 4 o'clock, Chozaemon, Takajiro's father, said to me, I have just been told by a peasant, Rokuzaemon, that some foreigners have been murdered in front of Yasuemon's and Kichijiro's houses; you had better go and tell this to Takajiro, and call him home. I went immediately and told Takajiro what Chozaemon had said to me; and on our way back to the house we turned aside to the place where the murdered men were.

The above is a true and exact statement.

(Signed)

MONZO.

Evidence of the peasant Kikujiro, aged twenty-seven; was examined as to his having informed the peasant Yasuemon of the murder of the foreigners.

Declares as follows:—I possess no horse, and live together with my parents and younger sister; work as a labourer and also as a sawyer. I had been sawing wood at Obunémura from the 7th month up to the 17th instant, but returned home then on account of its being the period for barley sowing. Early on the morning of the 22nd I went out to a piece of land, Takabashi, which I cultivate, but belonging to the chief "betto" (not a horse "betto") of Tsurunga oka, west of the land called Sasukénga tani, to sow barley. About 4 o'clock in the afternoon I was returning home, when I saw two foreigners lying wounded before the houses of Yasuemon and Kichijiro; the horses which they had ridden were eating the herbage close by. At the time there were four or five wayfarers standing there. I thought that I ought to go and tell Yasuemon, as it was before his house. As he had gone out to work in the fields at Saskénga tani, I went off with the intention of telling him, and met him on the road at a place called Shiuyangura, and told him the matter. Then I returned and went again to the scene of the murder, whither the village and temple yakunins were coming one after the other. I have thus not the slightest idea of who the persons were who committed the murder.

The above statement is perfectly true.

(Signed)

KIKUJIRO.

Evidence of Sozaemon, innkeeper at Kanazawa ; examined as to his having lodged the two "bettos" of the two foreigners in his house.

Declares as follows :—I have land to the extent of one koku of rice per annum. My family consists of eight persons. When not engaged in tillage I keep an inn. At 9 o'clock in the evening of the 22nd (21st ?) instant came to men, Kichingoro and Iwazô, leading horses, and saying they were "bettos" belonging to the British garrison on the hills by Kitakatamura in Musashi. They said they wanted a lodging, because on the next day two foreigners were going to Enoshima, and they had brought the fresh horses for them to ride. I therefore gave them a lodging. At 8 o'clock next morning two foreigners, whose names I don't know, arrived on horseback, called for the "bettos," got on the fresh horses that had been brought there for them, and without resting rode immediately away in the direction of Kamakura. The "betto" Kichingoro and the other fed the horses which the foreigners had ridden to this place, and did everything necessary. They stopped all that day at my house, and at 6 o'clock (daylight) the next morning a large number of persons on horseback passed the front of the dwelling. Kichingoro and the other, who were asleep up-stairs, when they heard the noise of horses' hoofs, opened the shutters to see what it was. I also got up and went out to look. It was a number of foreigners and of Yokohama yakunins passing on horseback. Fancying from this that some dreadful event must have happened, I informed Kichingoro and the other man, and as they were in great anxiety about the two foreigners, who had gone to Kamakura on the preceding day, not having returned, they left the two horses in my care, and set out for Kamakura, to go and see. Kichingoro and Iwazô sent out without their breakfasts, and soon after they had gone I heard that some foreigners had been killed at Kamakura. About noon Kichingoro returned and told me that the foreigners, who had changed horses as I said before, had been killed. He took one of the horses he had left with me, and getting a peasant named Kiyomats, living in front of a temple in a neighbouring village, led them both away to the house of Shozaeon, Motoya, at Susakimura. The whole expense of the lodging, &c., of these "bettos" was on the evening of 21st, saké and food 1,348 cash, lodgings for the two men $\frac{1}{2}$ ichibu ; 22nd, midday meal, 624 cash ; saké and food in the evening, 516 cash ; lodging, $\frac{1}{2}$ ichibu ; food for the two horses during the two days, 6 ichibus. I received 2 ichibus out of this, and Kichingoro, when he came back, promised I should get the rest.

The above statement is perfectly true.

(Signed) SOZAEON.

Evidence of Kuizaemon, peasant's deputy of Omachi mura in the district of Kamakura.

Was examined as to the murder of the foreigners.

Declares as follows :—I possess land to the extent of half a koku of rice annually. My family consists of six persons. In the intervals of tillage I keep a pawnshop. There came running an old woman named Man, the mother of Itarô, who was living next door in the house of a man retired from life, to say that about 4 o'clock in the afternoon two foreigners had been cut down just in front of the houses of Yasuemon and Kichijiro. I consequently started immediately for the scene of the murder, and saw what it was, just as Man had said. But as those who were then looking on were only passers-by and not villagers, I immediately went and informed the Toshiyori Zembei of it, and then went back to the place, and as the Nanushi Takajiro had come, after consulting with him, thinking that it might be as well to inform the officials of Tsurunga oka, I went there, but met the temple officer, Iwasé Chikara, on the road, upon which I told him what had happened. He then returned at once to inform the other officers of the temple, and they all came to the place together. I have not the slightest idea whose deed the above murder was.

The above statement is perfectly correct.

(Signed) KIUZAEON.

Evidence of Rokuzaemon, aged 33, peasant of Omachimura, in the district of Kamakura.

He was examined as to his having heard of the murder of foreigners within the village from wayfarers, and having gone to Takajiro's house to communicate the information.

Declares as follows :—I have land to the amount of five kokus of rice annually. My family consists of six persons. During the intervals of tillage I hull rice and keep a tobacco shop. About 4 o'clock on the afternoon of the 22nd, a man who looked like a

travelling peasant and aged about 35 or 36, came to get some tobacco. I sold him sixteen cash worth, and he then said, "Just now as I was passing the road before the great gate of the temple of Hachiman, I saw two foreigners lying down there wounded." On asking where this wayfarer came from, he said that he was from the district of Miura, had been to Fujisawa, and was now on his way back. I do not remember his name nor that of his village. On hearing this statement, as it was an affair which had happened in our village, and the Nanushi Takajiro is a sort of relation of mine, and moreover there might be various things that would have to be done, I went to Takajiro's house to tell him instantly. But he had gone out to work in the fields, so I told the circumstances to his father, Chozaemon, and advised him to call Takajiro as quickly as possible, and then returned home. After that I went to the scene of the murder to make an inspection. I have not the slightest idea whose deed the murder was.

The above statement is perfectly correct.

(Signed)

ROKUZAEMON

Inclosure 6.

Evidence of Japanese Witnesses, examined directly by Consul Winchester.

November 25, 1864.

Kikugero, a peasant, warned, declares to speak the truth:—

I was very busy with my fields on the 22nd; after my mid-day meal I went out to work; at 3 o'clock I came back. I was passing Yasuemon's house and there four or five people standing there round two foreigners lying on the ground. I don't know what they were like these Japanese, men or women. It appeared to me that one of them was alive. I hurried off to tell Yasuemon, opposite whose house these foreigners were lying. I returned with Yasuemon to the place. It appeared to me as if one was alive. He appeared to me to be saying "English." His principal wound was in the neck. His left leg was wounded on one side as if it had been partially cut off. (Shown a photograph of Mr. Bird) I don't know if that picture is like the officer who was wounded. The foreigner who was dead had a beard, but I cannot say whether the one who survived had one or not (repeats this again on being shown a photograph of Major Baldwin in a group). I did not give him any water myself. The Chief of the village was there. I did not see the bodies placed on mats. I don't know when the yaconins came back from Yokohama. There were two horses saddled eating grass on the road; they were loose. I don't know who tied up the horses. I did not hear any shot fired. I saw no strange yaconins that day. My field was in the direction of Daibuts.

Yasuemon, owner of the small hut near which the bodies were laid out, duly warned, declares he went out to work in the fields. I shut up my house about 10 A.M., and went to sow barley. My wife went with me and a child 4 years old. I was called back after 4 P.M. by Kikugero, who told me there were some foreigners lying down before my house, and went there in great fear. There were many people standing in front of the place much frightened. One man had a little breath in him. The foreigner who was dead had a beard. I don't remember the appearance of the foreigner who was alive; he had a wound in the neck. It was not I who gave this man water. A village yaconin gave the order. I don't know for certain the hour he died at, but I heard at 10 P.M. from the village guard who were in charge of him. I only sell fruit when I stop at home. That day I had no fruit to sell. I saw no foreigners passing that day.

Takajero, Chief of the village, warned to tell the truth, declares as follows:—

I first heard of the affair of the two foreigners while I was at work in the fields, by a messenger from my own house. I went to the spot at once. One was alive and the other was dead. I was of opinion that it was the younger one who was living, but am not quite certain. I don't remember whether or not the living man had a beard; he had a wound in the neck and one in the left knee. This was hanging away from the thigh. I recognize the Japanese hat shown me as one I picked up about four yards off from the dead man. The dead man was lying nearest the house. I recognize these two pairs of shoes as having been picked up by a small stone bridge on the road to Daibuts. The shoes were laid down about two feet apart in pairs, as if men had stepped out of them. In going from Yasuemon's house to Enosima or the converse, Daibuts must be passed.

Yaconins wear such hats as that now shown me. There is nothing distinctive about the shoes. I have not got a straw hat. The officer who was alive took some medicine from a doctor named Nishikiori Sanyeki, who is coming here. The under village yaconins put the mats under the bodies after the two yaconins came from Yokohama. The officer died about 10 p.m. ("yots doki"). The officer who was wounded several times said, Yokohama! Yokohama! I don't know that there were any strange yaconins in the village. The place where foreigners stop usually is beyond my jurisdiction. I did not hear that there was a child who was warned to go away from the spot by a party of yaconins because there was to be a disturbance there, and when she was leaving saw the two officers murdered; nor of a girl of 13 years of age, who was also warned away. I was not present when the wounded man died; Yoshiki and Kiuzaemon were present. There were other eight peasants watching with them. The yaconins came from the temple Hachiman and ordered a strong guard. They came a little after 4 p.m.

Sinjo, the priest of Daibuts, duly warned declares to speak the truth :—

Six or seven foreigners came early on the morning to visit the great image. On the 21st November instant (22nd of 10th Japanese month), two foreigners came at a later hour, about 2 p.m., to visit the image. I did not particularly remark the foreigners. I found a silver itchiboo in my box when I opened it in the evening. There was no disturbance while these two last foreigners were visiting the image. They behaved like quiet visitors. They remained a short time at the image, and then left immediately. They visited the interior of the image. I am a very old man, and did not notice any strange Japanese officers visiting the image that day or the previous one. Foreigners always behave quietly at the temple. There have been no foreigners to see Daibuts since that time.

Nishikiori Sanyeké, a Japanese physician, duly warned, declared to speak the truth :—

I was called to the two wounded officers on 22nd Japanese tenth month (November 21st), about 5 p.m. There was some life in one of them. I looked at the wounded man. He had his left knee much cut; his arms and his fingers cut; some of his fingers off. I did not look at the dead man. I did not attempt to bind up the wounds, merely to keep life in him. He was lying on his back, and did not see any wound on the back of his neck. The foreigner spoke, but in a language I did not understand. I gave him reviving medicine. He appeared to swallow it; it passed his throat. I gave it him in tepid water. I administered the medicine to him. I left shortly before 10 p.m., while he was still alive, and I was told he died at 10. I went to get my dinner; I went back after he was dead. It was after 10 p.m. when I went back; the man was lying exactly in the same position. I did not know what country they belonged to. I moved his head enough to enable him to swallow; he could move his head from side to side. I went for my dinner at the suggestion of no one but myself.

Kichigora, duly warned to declare the truth, says :—

I was "betto" (groom) to Mr. Bird, and went with his spare horse to remain at Kanasawa, while my master proceeded on an excursion. When the foreigner party passed, I went on to Kamakura.

This witness heard nothing in Kamakura about his master having survived some hours; he merely saw them putting him on a litter.

Kuzaemon, of the village police, duly warned in Japanese form, states :—

I was called by a woman at 4 p.m. on the 22nd to go and see the two wounded foreigners. She is known as "obasan," or old woman. She told me some foreigners were killed or wounded. I was in my own house about two Japanese streets (240 yards) off. I heard no firing off pistols, and saw no yaconins running away; I saw nobody with two swords all that day. I saw a hat found; I recognize that produced in Court, as also the shoes. The shoes were found at some distance from Yasuemon's house on the road to Daibuts. Japanese often wear hats like that. The one who was lying towards Daibuts was alive; the younger one, I think. The one who was dead had a large beard. I heard the officer say something about "Yokohama;" about 10 o'clock p.m. he died. I was present when the officer died; he opened and shut his mouth several

times before he died. The doctor was not present when he died; he had gone to his dinner. I was keeping watch inside the house. I saw no two-sworded men come near the bodies before the officer died. There were four other watchmen besides myself. There was a sort of a fence round them. We made a fence round them before the Japanese officers came from Yokohama. This officer who lived had a wound on the left knee and his fingers cut off, and a wound on the neck.

November 26, 1864.

Sei, the widow of Zimbei, duly warned, declares she will speak the truth:—

I keep a sweetmeat stall at the Niomon Gate of the Great Temple of Hachiman. I remember the 22nd day of the 10th month. I opened my stall about 9 o'clock that day. There were not many visitors. There seldom are many people in the morning at this time of year. I heard of some foreigners about in the morning; they did not enter the temple, but passed on. I heard two foreigners had passed on to Enoshima without entering. I know about the foreigners who had been photographing about Kamakura on some previous days. I did not see them on that day. I cannot tell the hour at which they passed. Two Japanese, two-sworded people, came to the temple about 3 P.M. They seemed in a great hurry. I offered them a plan, which they refused, and passed on up to the temple. One of them left his hat in my charge while he went up to the temple, and took it from me as he went out. I recognize the hat shown me as the hat given to me to keep. I did not offer them any tea. The hat was on my bench. Officers and all others leave their hats and sticks before going to pray. The second samurai had no hat. The younger one of the two had the hat. They did not appear to have come from a great distance. Their trousers were down instead of up, which they would have been if they had walked far. I was closing up my shop when these two officers arrived. The men had on cotton dresses and small striped trousers, but did not appear outwardly people of importance. The one without the hat was above 30; the other 24 or 25: hair in the usual manner, only the *toupé* very long in the young man. Their hair had not the appearance of being recently made. I scarcely saw the elder, who went up hurriedly to the temple; but the young man was rather good looking. I saw no marks of cuts or other special peculiarity in his face. The only words the young one spoke to were "kasa" (hat) as he placed it on the bench, and "kasa" as he took it away. There was no one there who could have seen them but myself.

The guard in the temple must have seen them. They are always on watch. They may have been absent, as so few people came that day. These Japanese swordsmen were a very short time in the temple. The coats they had were official cut coats. One was a darkish green; the one who had the hat had a black coat. I recognize the hat by the appendages. I did not take notice of any crests on their robes. I do not think they were master and servant; their positions in walking were opposed to that relation. I cannot say what their ranks were. I first heard of the foreign officers being killed after the Japanese officers had left the temple. I shut up my shop, and went to see a sick friend. I can't remember who first told me. I did not connect the death of those foreigners with the presence in the neighbourhood of the two officers. After the murder was discovered everyone went to the spot. I stayed at home.

It did not occur to me that these men were connected with the crime until I saw the hat. The hat was shown to me when I was in the Governor's office at Tobei.

The younger one was the taller of the two.

Zembei duly warned, declares that he will speak the truth:—

I am sub-mayor of the municipality Omachimura. I was informed of this murder about 4 P.M. on the 22nd in my house. Kiuzemon brought in the news. He said, "I have just seen two foreigners lying down wounded. Takajiro was there before me. I did not remain on the spot, but after consultation I was despatched with instructions to the Governor of Yokohama. I walked all the way. I ran all the way on good parts of the road. I did not pass through Kanazawa, but went by a short road. I got to the custom-house between 8 and 10 P.M. It is about six Japanese miles (fifteen miles English) between Kamakura and Yokohama. I had a written despatch which I myself perused, and gave it to the officer at the custom-house. I returned to Kamakura [Mr. Fletcher found this witness on the spot], but after the custom-house yakunins had already arrived there. I remained in Yokohama a little more than two hours. I walked back also. One of the wounded had a beard, and one was slightly alive. It appeared to me that the older

one was dead. I cannot recognise the photograph [Mr. Bird's] shown as that of the man slightly alive.

The rule is that under no circumstances do peasants and citizens ever ride.

Yöoské, a village watchman, duly warned, declares to tell the truth:—

I saw nothing of any struggle personally. I came back from the fields about 4:30. I watched all night inside Yasuemon's house. We never touched the bodies at all, because we never could have answered for it. I noticed one of the officers was alive; the younger one was alive. He had the appearance of speaking, but I could not understand. I saw the doctor giving him some water. It appeared that some of it passed his throat. I did not see him move his head. He had no large beard, the officer who survived. He died about 10 P.M. One of the guards said he was stopping breathing, and I went to see him, and he was dead. The guard who told me was a man in the service of Genjiro, name not known to me. No samurais or yakunins came to see him while I was on guard. The officers of the temple had been to see him before 5 P.M.

The people were leaving the spot when I came at 5 P.M. There were crowds of people, but the guards did not permit them to approach the bodies after 5 P.M. We turned them away.

Tokujiro, duly warned, declares to tell the truth:—

One of my horses was ill on the 22nd, and I went home to look after it. I heard from people who were passing on the road to Miura that some foreigners were killed and their horses loose. There were men and women talking among themselves.

The small horse [Mr. Bird's] was on the road leading towards the sea, about thirty yards down it. The other was nearly opposite Yasuemon's house. I tied up the horses myself, seeing them loose and fearing they would kick each other. I saw the small horse [Mr. Bird's] running up along the sea road towards the point where the large horse [Major Baldwin's] was. Fearing they might fight, I tied them up. I did not go close up to the bodies at the time I tied up the horses. At the time I came up I saw there was a great crowd of Japanese about the bodies. I saw no two-sworded men there at the time. I went up and saw one was alive. There were then no guards, only the village officers running about. This was about 4 P.M. The officer spoke and said, "Mma, Yokohama." At least I understood so. He did not speak much in my hearing.

The Japanese bystanders asked each other who could have done this. No one could tell, or would. I did not see the fight between the Englishmen and their assailants. If I had seen I would say. I did not see any two-sworded men passing to Miura that day. I did not hear there was to be a fight in the village that day. I heard no shot fired.

November 27, 1864.

Kanekatchi, 11 years of age, son of the widow Onaka, living in a small house at Omachimura, states:—

I saw something of this business, and ran away crying. It was some days ago. I saw two samurais drawing their swords and cutting the two foreigners down; I think the Japanese assassins came from the direction of Fuisawa. They were sitting down in front of the house of Kitchigiro. The foreigners were sitting on horseback. I went out to buy oil. The two-sworded men said to me, It is dangerous to stay here, go away. They said that to me as they were sitting down, before they drew their swords. Both had wooden clogs on, and one had a hat. I did not see the hat. The foreigners were coming from the road to Daibuts. I don't know if the foreigners had or fired pistols. I was too much frightened to speak. The two foreigners were riding slowly one after the other. The first foreigner was attacked from one side by the two samurais. One samurai made a thrust and the other cut at the first foreigner; he was forced from his horse. I only saw the first foreigner attacked, but heard terrible cries. The foreign officer who was attacked in my sight fell at once from his horse. The Japanese samurais had no mantles on. Their coats were of reddish and black striped cotton. I did not notice their trousers. One of the samurais was slightly taller than the other. The first foreigner had little or no beard. The second one had a beard. I think the first foreigner received a wound on the leg at the beginning, and he was then pushed from his horse. They were killed about twelve feet from the stone bridge.

The samurais were sitting in front of Kitchigiro's door. The moment the officers came near them they drew their swords; their hands were grasped round the hilts. The

first officer fell close to a well on the Miura side of the road. I did not see the second officer fall about two fathoms from the well towards the spot where the first fell.

The Japanese samurais asked me the road to Enosima. I met them first as I came back from buying oil, and they ran past me and went on and sat down at Kitchigiro's house. The shop where I bought the oil was up the road to Daibuts. The two-sworded men passed me before they came to the tea-house of the Six Stone Images. Afterwards I heard the officers of the village came and built a tent, but not where the first officer fell; about six feet from it. I heard people saying the samurais ran away towards the sea, and afterwards to the left by a mountain road. People were all round in the fields working, and a child with a coolie's coat on was also near the spot, standing on the road towards Daibuts. I don't know the child's name; he ran away. The samurais sat a very short time in front of Kitchigiro's house before the officers came up. I am sure there were only two samurais.

I believe the child lives in O-matchi. I was so frightened that I could not eat rice for two days.

(This child's statement was carefully translated to him, and fully confirmed on being read over. His statement was clearly and distinctly given.)

Itchibé, keeper of a tea-house called Kadoya, in Totska, duly warned to speak the truth, declares as follows:—

The Kadoya is $2\frac{1}{2}$ ri (seven or eight miles) from Kamakura; it is situated in Totska (the second station below Kanagawa on the tokaido. About 5 P.M. two samurais came to my house. It was not yet dark. They ate rice which I supplied, and left by the Awashima, which strikes from the tokaido, opposite my house. One of the officers was about 22 or 23 years of age. I don't know so well the other. I was very busy that day. One officer had a mantle on, the other had not. They appeared to be in an enormous hurry. They bustled me about their rice, and said if I did not get it they would not stand it (meaning to threaten me). They frightened my wife and children. They said they would cut me down if I did not hurry. It was dark clothing; I don't remember the colour of the bands of the mantle. They ate rice and fish already boiled, and drank some cold saki, so that they staid a very short time. They had straw shoes, I did not observe of what kind. They had no hats. They spoke the Yeddo dialect. They said nothing about foreigners. I was afraid to ask where they came from. They paid me 3 tempos 16 cash. All the people said, what extraordinarily excited samurais these are. One was taller than the other; the taller seemed to be a little the older of the two. The colour of the mantle of one was a darkish green. They had no begs over their swords.

Hatchiroseimon, a peasant, who sells lanterns and other small wares, duly warned, declares to speak the truth:—

I live at Kuamara, on the road from Totska towards the silk districts. At dark on the 22nd of this month two samurais came to my house; asked after the road to Ftatsbasi. My mother was shutting up the shutters when they said, "Don't be afraid; we come to install (open) a school for sword exercise." I pointed out the road to Ftatsbasi, and they left. They appeared to be in a great hurry. I believe both had mantles on, but am not certain. I did not observe their colour. They did not enter my house; had no hats. My mother saw them altogether. I was inside the house; my mother was outside. I heard their voices distinctly.

Choseimon, a seller of buckwheat vermicelli at the village Isawa, near Hatsbachi, about six miles from Totska, duly warned, declares to speak the truth:—

The two samurais came to my house at 8 P.M. on 22nd Japanese month (21st November). They asked me to sell them a lantern. I gave them one of the pattern known as the Odiwara. It was a white lantern. They bought three candles. It was a new lantern, and had no name on it; not my own name. They lighted the lantern in my shop. The smaller one of the two was about 21 or 22 years of age; the bigger, about 23 or 24 years. They were middle-sized men; not large, like wrestlers. Each ate two bowls of vermicelli. They had common straw shoes; they had no hats. I don't remember the colours of their coats; they were of a dark blue. I don't know if they were excited, but were rather in a hurry. They did not say where they came from; I did not ask. They came evidently to buy the lantern; they asked for it first. They inquired the road to Tsudima, and said they wanted to go to Minirocksho, where the ferry to Yeddo is. They left the house at a great pace. I thought it extraordinary to see two samurais travelling. They did not speak about foreigners,

Yokohama, or Kanagawa. I have a daughter ; she was frightened at these men, because they had two swords. They told me to hurry, but did not threaten me. It is an unusual place for two-sworded men to pass by. My house is about 5 ri (13 miles) from Kamakura.

Inclosure 7.

Report of Inquest on the Bodies of Major Baldwin and Lieutenant Bird.

THE particulars of these last barbarous murders, so far as the circumstantial evidence which has as yet been produced and followed up can enlighten us, may thus be condensed out of the evidence given at the coroner's inquest.

On the morning of the 21st instant (Monday), Major George Walter Baldwin and Lieutenant Robert Nicholas Bird, both of the 2nd battalion of Her Britannic Majesty's 20th Regiment (two who, amongst all the respected and beloved of the officers of that regiment, had by their gentle inoffensive natures and sterling worth gained the foremost ranks in the affectionate regards of all who knew them) left Yokohama on horseback for an excursion to Kamakura and Daiboots.

About half-past 10 they arrived at Enosima, which place (after exchanging courtesies with other excursionists they met there) they left about 12 o'clock, with the intention of proceeding to Daiboots. The same night information from the district authorities was sent in to the Governor of Yokohama that two foreigners had been assaulted at or near Kamakura, that one was dead, but the other yet alive. This information having been communicated forthwith (about 2 o'clock A.M. of the 22nd, Tuesday) to the foreign Consuls, Dr. Lindau, the Swiss Consul, M. von Brandt, the Prussian Consul, and in various parties other foreign residents, started, at or about 4 o'clock, towards the place indicated ; Lieutenant Woods, with a party of Mounted Artillery, and Mr. Lachland Fletcher, Interpreter to the British Legation, being ordered to proceed thither in all haste. A little after daylight they arrived at "the three-fold road leading from the Great Temple Hatchuma, where it divides into three smaller roads, one leading to Daiboots to the right, the second straight on to the sea, and the third into the country to the left," near this spot and between a miserable tea-house and a hut for horses, two small sheds of mats propped up by bamboo, and disposed on mats laid on the ground, were found, most horribly mutilated, the bodies of the two unfortunate gentlemen ; the pistol of one of them—one barrel of which appeared to have been recently discharged—by his side, that of the other yet undrawn from his belt. All the inquiries made by Mr. Fletcher (and we all know how perseveringly and discreetly he would push them to the utmost) failed to elicit any information. No one knew anything but that there the bodies were—and that one of the deceased, the younger one, who said his name was Bird, had lived for several hours.

The bodies were brought in by water, and the inquest—a full report of which we publish in another column—was held.

Coroner's Inquest.

On the afternoon of Tuesday the 22nd an inquest was held in the ante-room of the mess-apartments of the 2nd battalion of Her Britannic Majesty's 20th Regiment, before C. A. Winchester, Esq., Her Britannic Majesty's Consul, to inquire into the manner whereby Major George Walter Baldwin and Lieutenant Robert Nicholas Bird, both officers of Her Majesty's 20th Regiment, 2nd battalion, came by their deaths.

Captains Charles Rochfort, Conroy Fahie, and John Aldridge, all of the 20th Regiment, were duly sworn in as jurors.

The jurors having viewed the bodies, the inquest was adjourned, to be resumed at Her Britannic Majesty's Consulate the following day, Wednesday 23rd, at 11 o'clock.

Wednesday, 23rd November, 1864.

The Adjourned Inquest was resumed.

Present :

Charles A. Winchester, Esq., Coroner.	
Captain Charles Rochfort, 20th Regiment,	} Jurors.
Captain Conroy Fahie, 20th Regiment,	
Captain John Aldridge, 20th Regiment,	

R. Lindau, Esq., Swiss Consul, sworn :—

Yesterday morning, at 2 o'clock A.M., two officers came to me and told me that two men had been killed or attacked at or near Kamakura. My first apprehensions were that

it might prove to be two gentlemen who were staying with me, who were then absent on an excursion. I went to the Custom-house with Mr. Von Brandt, the Prussian Consul, whom I met: we found all in a bustle, and the Governor there. He told us he had received communication that two men had been attacked: one was killed; and the other had said that he was an English officer. We determined to go down and ask the Governor to give us an escort; he did so, and gave us four officers, and we left about a quarter-past 3. We lost them at the first gate, they evidently were disinclined to go with us; but my "betto," and one of the escort's "betto," followed us. At Kanasawa I inquired but could learn nothing as to what had occurred, but was told that the wounded men were still at Kamakura. We arrived at the first tea-house, and there saw the Vice-Governor and Sinagawa, and several of the officers. We were then four foreigners—Mr. Von Brandt, Mr. Stearns, and, I think, a man named George, and I. We rode forward, Sinagawa accompanying us. At the end of the valley, where the roads divide into three, at the road which leads from the Great Temple, one leading to Daiboots to the right, the second straight on to the sea, and the third to the country to the left. Near where the road divides on the right, going to Kamakura, there is a miserable tea-house and a stand for horses; there we saw two ponies tied up, and between the stand and the tea-house lay two bodies under a kind of shed or tent formed of mats. The bodies lay on mats, and mats overhead. I believe Mr. Stearns saw the bodies, and could identify them. Mr. Bird was lying on his back on a mat. Near the left hand of Mr. Bird was a revolver, the barrel of which next the capped one was discharged. The right hand was by his side, the left arm stretched out, the hand closed, two forefingers cut off an inch or two from the hand—it struck me as with care, as though to make it look natural. The long barrel of the revolver was full of dirt, as though he had fallen with it. When we had made these first examinations, Mr. Woods, R.A., Mr. Fletcher, and others, arrived. (Revolver produced, and recognized by witness.) The revolver was covered with blood. Major Baldwin was lying on his back, with the hands clenched. On consultation with the others who arrived, we came to the conclusion that the bodies had been removed there. Their watches and other property were found on them. Major Baldwin's watch was still going. I said to the Vice-Governor I did not believe these gentlemen had been killed there. We removed then the mats, and found only a small quantity of blood under both; not an amount proportionate to the hemorrhage which must have ensued from such wounds. The Vice-Governor said he knew nothing about it, and could say nothing; the people had been in the fields working, and had found the bodies there. Mr. Von Brandt, some fifteen or twenty paces off, found some traces of blood on the road going to the sea. Evidently there the wounds had been inflicted, because we found blood on some of the bushes, and an old mat, on the road which slopes to a bank, which had evidently been laid upon, was also stained with blood. We tried to find the traces of blood, but they were not very evident; we were led, however, to a small tea-house, by something—a mat with a weight upon it, for instance, had been dragged along the road; this led us about 100 yards further out, but no blood there. On following these traces to another small house on the left hand off the road, it seemed to finish there. There was an old woman there, and the house was carefully examined, but nothing to give us any information or clue was found. We remarked distinctly marks of European boots leading to and from the sea. We concluded that these were those of the murdered officers, but afterwards heard that others had passed and re-passed the same road the previous day.

M. de Vecchy, in the service of the King of Italy, sworn, said:—

Early the day before yesterday morning I was with my party at Enosima. Major Baldwin and Lieutenant Bird came about half-past 10. The Japanese priest in charge of a large tea-house at the foot of the large temple refused to give us a place to take breakfast, at the same time some Japanese officers came past, and Mr. Beato in a loud voice called out to them to give us a place, otherwise he said we would take it. This was to a party of three or four yakonins dressed . . . going past the tea-house towards the temple. . . . A few minutes after these officers passed towards the temple Major Baldwin and Lieutenant Bird said they had only a short time to spare, and proceeded towards the temple. About ten minutes after the Japanese officer returned down and repassed the tea-house, and looked very savagely at us, and threw back his robe as though to show his sword. I put my hand upon my revolver, and I believe the others did the same. I did not draw my revolver, but got it handy. The Japanese then marched on. The three chief men were dressed in silk, I did not observe any crest. After this party had passed we went across the island to a cave on the other side, and at the cave we met Major Baldwin and Lieutenant Bird. I tried to insist upon Major Baldwin coming back to Fuisawa with us, but he said he must see Daiboots before anything. I went along all the temples.

They went to the tea-house and got a glass of beer, and started for Enosima about 2 o'clock. I said good-bye to Major Baldwin, and did not see him again, but heard from my servant that they had gone to get a bottle of beer, and had then left without saying anything else. This officer whom I say looked savagely at us was

[The appearance of the men described but we think best not to publish it at present.]

Lieutenant Wood, R.A. :—

I was ordered out with a party of Mounted Artillery to bring in the bodies of two foreigners reported to have been killed at Kamakura. We started about 4 A.M. with Mr. Hensman, Assistant Surgeon, and Mr. Fletcher, Interpreter. We arrived at Kamakura shortly after daylight. We had three or four Japanese officers with us, who kept up with our party. I found the bodies of Major Baldwin and Lieutenant Bird about 1,000 yards from the gate of the Great Temple. There is a three-fold road which divides. They were lying on the left-hand side going down towards the sea, just where the road to Daiboots turns off; on the road in front of a little tea-house, under two little mats propped up with bamboo. I have heard the first evidence about the position in which the bodies were found. I can corroborate the whole of it. There were two horses in the shed, with European accoutrements. There were only a few drops of blood on the left side of Major Baldwin's saddle-bags; I did not see any blood on the horse pointed out to me as Major Baldwin's. The horses were tied up and feeding. I did not notice that the reins of either bridles were cut. [Bridle produced, a few spots of blood found on it.] Mr. Bird's saddle had much blood on it, especially on the left stirrup. My impression from the position in which I found these bodies was that they had been carried there. I searched for traces of blood elsewhere and found as has been already stated on the right side of the road. On the side of the road about twenty or thirty yards the leaves of trees were marked with traces of blood. I stayed with the bodies. The watches of both the deceased were going. Their shirt pins were all right. I did not search the pockets. Major Baldwin's revolver was in the case attached to his waist, and all the chambers undischarged. Mr. Bird's was lying as stated by Mr. Lindau. The pistol was so smeared with mud and blood that it was not possible to tell if had been recently discharged or not. There were no riding-whips found, though I believe they both started with them. My own first impression was that the time they were attacked they were both leading their horses. There would have been more blood if they had been wounded whilst on their horses; there was blood on the saddles on the near side, and on the back of the saddle-cloth. The horses themselves were unhurt. My impression now on inspecting more closely the saddles and saddle-cloths is that they may have probably been riding. The nose-band of Major Baldwin's pony is covered with mud as though he had been down; but that may have occurred in many other ways. I think the pony has dirtied the bridle himself. Both these gentlemen were wounded in both arms. Mr. Bird had a wound on the left knee almost cutting it through. I think that could scarcely have been done on the saddle without cutting the saddle. It would have been a very clever cut to have inflicted that wound without injuring the saddle or stirrup-leather.

Mr. Charles Wirgman, being sworn, says :—

I went out on an excursion on Friday morning. On the first night I slept at Kanasawa. Between Saturday and Sunday and Sunday and Monday, I slept at Kamakura. Monday night at Fusisawa. My party consisted of myself, M. Beato, Major de Vecchy, the Marquis de Bonnet, M. Roussen, and Francisco, Major de Vecchy's servant. During the two days I was at Kamakura we lived at the first tea-house. We had no difficulties—on the contrary they were extremely polite. We saw one man, a Hotomoto, stopping with his retainers the first night we were there, at the same tea-house; he was very polite to us, and left the next (Saturday) morning, starting apparently in the direction of Daiboots. We all spoke to him, and all our intercourse was of a very friendly character. We saw no other parties of two-sworded men. I was sketching about the great temple, Hatchi-mang-sama, the avenue and thereabouts, without molestation. M. Roussen and myself were together principally. He is also a sketcher. I first saw Major Baldwin and Mr. Bird on Monday morning, when I was sitting on the steps leading down to the grotto at Enosima. It was about half-past 10 or 11. Beato came down with Major Baldwin and Mr. Bird. Beato had his photographic apparatus at a little tea-house. Major Baldwin asked to be allowed to sketch his tent. By-and-bye I saw them again as they were going away, and they bade us good-bye. There were two parties of Japanese officials. Before I saw Lieutenant Bird I saw one party come up the main street of Kago-sima, go up towards the red-wood pagoda, and come down again; but where they went I don't know. I looked at them and stood on one side. They were very well dressed. There were two officers and three servants. Shortly after the first a second party ascended

the hill. I met them on the hill as I was coming down. They stayed away a long time. The party consisted of four or five. They appeared to be very quiet. So far as I know they showed no signs of displeasure or offence. The first party only had the stolid look of yakonins who don't care about foreigners. I first heard of this catastrophe in the evening at Fumisawa, while I was in the tea-house. I was in the tea-house about 7 o'clock. It was said that two English officers had been attacked. One had had his head cut off—the other both his arms, but he was not dead. We laughed at the report. We made inquiries of our Japanese servant. He said he had heard it from a betto. Next morning a yakonin came down from Yokohama and said it was true. We returned next morning to Yokohama along the tokaido. The distance between Enosima at the tea-house where the Major's servant was left and the spot where these two bodies were found was about six miles, I think. The distance between the same place and Fumisawa is, say twelve to fourteen miles. It took us about three hours' ride. The two parties of yakonins had left about two hours before Major Baldwin and Mr. Bird.

Francisco Quaranta being sworn, said :—

I remember Monday last. I was attending upon my master, who was on an excursion. I remember Enosima. I saw two English officers there. They arrived after the party in which I was—probably three-quarters of an hour after. I saw them arrive, and saw them go away. They went away about 12 o'clock. They were talking with me a quarter of an hour before leaving. I asked them if they would take something. All they asked for was a glass of beer each. They said they were not hungry; that they had already eaten something; they were only thirsty. Then they went away. I did not see them get on their horses. I only saw them go out at the door. It was about 12 o'clock when they left; it could not have been more than ten minutes, more or less. I saw a party of yakonins going up the hill; I just looked at them once, but took no great notice.

Signor F. Beato being sworn, said :—

I was on an excursion with others (as related before). I remember seeing Major Baldwin and Mr. Bird at Enosima. I saw and spoke with them the first. I think this was about half-past 10. They arrived before our horses were tied up. I last saw them on the island. I offered them my bettoes to take charge of their ponies, I took them then up with me to the second temple, and there I left them, after pointing out to them a Japanese man of the place to show them over the place. After that I put my things in a tent, and saw them again, and had nearly fifteen minutes' talk with them, and showed them my views; and I asked them to come with me to Fumisawa, that they would be less tired than if they went back to Yokohama; but they said they had their horses on the way at Kanasawa, and wished particularly to see Daiboots, which they had not seen in coming. I asked them to stay to tiffin with us, but I persuaded them to go and get some refreshment from the servant, and they said perhaps they would go and take a glass a beer, but were anxious to go on. They then left, and I did not see them again. It was about half-past 11 when I first saw them. I think they left the place about 12 o'clock. It was not a tea-house, but the head-quarters of the priest. I consider the distance from Enosima to the place where these gentlemen were killed five miles. I have done it in half-a-hour. From Enosima to Fumisawa is about four miles. I arrived at Fumisawa about half-past 3 or 4 o'clock. I stopped the night there. I had some fun with the children, they took a fancy to throw at the tea-house. About half-past 6 o'clock my servant came to me and told me quietly that he thought the two friends (meaning Major Baldwin and Mr. Bird) had been killed. He described to me the appearance of those he meant. I asked him who told him. He said some bettoes who had come from Kamakura had told him. He said one of the men had had his head cut and was dead, the other had had his hands only cut and was not dead. I did not believe him, and sent him away. The next morning very early there came some yakonins saying they were looking for some men, loonins, who had killed some foreigners, and they were very sorry. It was these who told me these two men had been killed. At Enosima we had great difficulty in getting a tea-house. They shut them all; but we went to a large house and got hold of the head man and told him we must put our horses in, and asked him why these difficulties. As this was occurring a party of five Japanese officers passed us, and looked angrily at us. I did not like their appearance at all. They were not Yokohama officers. After this they gave us the place. Always before I have found the place very civil, but this day they were not so; I fancied these yakonins had put them up not to give us anything except at Kamakura.

J. M. Woodward, surgeon of the 2nd Battalion, 22nd Regiment, sworn; the Coroner handed him a paper:—

That is my report upon the wounds of the deceased.

The opinion I have formed from the examination of the wounds is, that some of them were inflicted whilst the deceased were riding and some on the ground. The wound of Major Baldwin on the cheek I call No. 1; I think very likely inflicted whilst he was riding. I consider all his wounds were inflicted whilst he was riding except that on the back, which must have been inflicted whilst he was lying on his face. With respect to Lieutenant Bird, I think that all the wounds on that gentleman except that on the back of the neck were inflicted whilst he was riding; the last-named wound must have been inflicted whilst lying on the ground on his face. Death, in the case of Mr. Bird, after the wound on the back of the neck, must have been instantaneous. It is possible that Major Baldwin may have lived for two or three hours after the receipt of those injuries; but I do not think it could have been so with Mr. Bird. If the spine is severed high up, as in Mr. Bird's case, death must be instantaneous. The wound near Major Baldwin's spine in the back is so low as to be compatible with a short continuance of life. From the nature and description of the wounds they could only have been inflicted by a sharp and heavy instrument like a Japanese sword. And the wound in Major Baldwin's back must have been inflicted by a two-handed sword; and the wound in Mr. Bird's neck also must have been inflicted by the same description of weapon; not by any weapon that I have ever seen of a less formidable kind. Looking at the wounds on the arms, I am of opinion they were inflicted as they were raised in defence, and that they were attacked on both sides. In respect to the wounds in Mr. Bird's neck it must have inflicted instantaneous death; it was between the second and third cervical vertebra, both of which were cut through, and the spinal marrow completely severed. It is not possible that he could have lived for three hours, and to drink water, with such wounds.

Description of wounds on the body of the late Lieutenant Bird, 2nd Battalion 20th Regiment, murdered at Kamakura, Japan, on the afternoon of the 21st November, 1864:—

1. An extensive incised wound between four to five inches in length at the back of the neck, dividing all the soft parts and two of the cervical vertebra.
2. A long oblique wound about 8 inches in length, running from the acromial process of the right scapula to its base, dividing the bone.
3. Extensive wound on the inner surface of the left forearm, running into the elbow-joint, completely dividing the joint and cutting the articular surfaces of both bones away.
4. Index and middle finger of the left hand cut off a little below the phalange metacarpel articulation, the ring finger same hand only holding on by a small piece of skin.
5. A long oblique wound at the lower posterior third of the right forearm, cutting through both bones, and all the soft parts held together by a small piece of skin.
6. A long oblique wound about 6 or 7 inches in length on the inner surface of the left knee-joint, running from above downwards and outwards, laying open the knee-joint and cutting away the internal condyle of the femur.

Description of wounds on the body of the late Major Baldwin, 2nd Battalion 20th Regiment, murdered at Kamakura, Japan, on the afternoon of the 21st November, 1864:—

1. Large wound on left cheek, extending from the angle of the mouth to the ear, completely cutting away the cheek, only held on by a few shreds.
2. Left arm and forearm frightfully hacked, bones cut through in several places.
3. Long wound on the outer aspect of the right elbow-joint, cutting through both bones of forearm; forearm frightfully mutilated.
4. Desperate wound on back, 16 inches in length, to the right of the spinal column, and extending from the middle of the back to the base of the sacrum, dividing all the soft parts and three of the false ribs close to their articulation into the abdomen.

Liver exposed but not injured.

(Signed) JAS. M. WOODWARD, Surgeon, 20th Regiment.

Yokohama, Japan, November 23, 1864.

Marquis du Bonnais, being duly sworn, said:—

I first saw the two officers at Enosima, when they arrived about 10 to half-past 10 o'clock. I did not observe anything extraordinary with any party of Japanese. I thought the people of the place received us rather queerly. When the party of five yakonins passed by to the temple they seemed to stop for a moment, as though surprised to see us there, but nothing else particular struck me as to their manner. I saw the deceased gentlemen the last time at half-past 11; they came out of the grotto as I was going in.

I was afterwards told they left about 12 o'clock. I observed at several times on previous days in passing the spot where the deceased were found several parties engaged in agricultural employments. I think it scarcely possible that, considering the number of people about, there should not be some one who could give a good account of the whole transaction.

Lachland Fletcher, Esq., being duly sworn, said,—

I went as interpreter with Lieutenant Wood to the locality of the murder. I arrived at Kamakura where the road branches off, shortly after daylight. It was my impression from the manner in which the bodies were upon the mats that they had been disposed there. I sought for traces of blood, and found some about thirty or forty yards down the small avenue that leads to the sea, on the right hand of the road. There is one place at the end of the thirty yards and on a parapet or bank some one and a half or two feet high where there was a quantity of blood, but not a continuous line of blood; but in the spot I have described, it is visible as where it fell, on the leaves of the trees, and the bushes and bank and road, and starred as though it had trickled down from a distance. I afterwards went to the house of an old woman down this avenue leading to the sea, perhaps about 150 yards down. Between where we noticed these traces of blood and this spot, we noticed a track as though something heavy had been trailed along the ground—it might have been a mat with a weight upon it. In some places the defined edges were perhaps two feet or a yard apart, but I saw no blood. It was a dry sandy part, and I don't think blood would have been very visible. I did inquire of various peasants about the circumstances, but all I could get out of them was, that they knew in the evening that two foreigners were killed, and they knew nothing further about it. The old woman in the house could give no information, nor during the whole time I was on the ground could I get any explanation; but the people all said they had been working in the fields. What the officers told me was the same. The Vice-Governor's interpreter, Sinagawa, I understood to say there was some disturbance in the village—I drew the inference that he meant in which these gentlemen were concerned, but I thought probably as he spoke in English, that he did not convey his ideas correctly to me, and thought from his confusion of manner that he was mistaken, and still think so. I could find nothing from either officers or villagers further than that these gentlemen had been killed the previous evening. I got every assistance that the party required. The chiefs of the village were called, and I was furnished with their names. This morning I have been engaged in taking down the evidence of the Japanese as read over to me by the Vice-Governor. I produce the translation. [Read.]

They precisely correspond with that I heard on the ground, save that they contain the statement about the two officers praying in the temple and the finding of the hat.

Statements of the Japanese.

Yasuemon, the name of the proprietor of the house on the spot, states about English 10 A.M. :—

Yasuemon is a peasant, and went out to work in the fields about 10 A.M. at a distance with my wife and boy, and about 4 P.M. another man, Kikiuero, came and told me, while working, that two foreigners were lying dead opposite my house. I forthwith went home with my wife and boy, and the chief of the village was there when I arrived. A report was immediately made to the Governor. I knew nothing whatever of who committed the murder. One of the officers was still alive when I arrived, and he said he was an English officer, and the Vice-Governor said his name was Bird. He died soon afterwards.

Kikiuero, the inhabitant of the opposite house :—

I went two days before to a temple to saw timber, a temple called Jimbugi in Kamakura, and did not come home to my own house in the night time. A peasant called Yasungoro came to me and told me that two foreigners were killed before my house this evening. I immediately returned to my own house. My wife went to a neighbouring place, I found, in the morning to work in the fields.

Se, a widow woman, living at Kinoshita Mura :—

I went out to keep a stand of sweetmeats at the gate of the temple, and about 3 o'clock two two-sworded Japanese came to the temple to pray. One was about 34 years of age, and had on the loose trousers of an officer, and had a bamboo stick in his hands. The other officer was about 24 or 25 years, and had on the dress of an officer, coat and trousers; he had on a large bamboo hat (a hat was discovered on the spot by one of the

yakouins from Yokohama corresponding to the one described here) and also wooden shoes. They did not sit down at the temple, but departed immediately down the avenue towards the sea.

Takajiro, the chief of the village of Omatchi mura (the nearest to where the officers were killed) :—

I went in the morning a little distance off to look after my rice fields, and was there all day till about 4 o'clock. My servant came to tell me that two foreigners were killed opposite to Yasuemon's house. I immediately went back to my own house, and from there direct to where I heard the foreigners were cut down, and met there the chief officers of the temple, and immediately determined on sending a messenger to Yokohama.

Gembi, the next officer in rank to Takajiro, in the village of Omatchi mura :—

I was at home in my house on the 22nd, and a man came to inform me that two foreigners were cut down opposite Yasuemon's house, and I immediately went to the spot.

Kitchigoto, betto, Euwaso, betto to the officers that were killed :—

Their evidence amounts merely to their having heard at Kanasawa (where they were were desired to remain with fresh horses) that two foreigners were killed; immediately went to the spot.

Finding.

That Major George Walter Baldwin and Lieutenant Robert Nicholas Bird were cruelly murdered near the town of Kamakura on the 21st of November instant, about 4 in the afternoon.

That from the evidence brought before them, the jury have no doubt that this atrocious crime was the act of Japanese swordsmen unknown.

The jury further find that this attack must, in all likelihood, have been made on both sides simultaneously, and by a party of five or six ruffians at the very least, but possibly of even greater numbers.

The jury are further of opinion that the Japanese evidence read in Court is utterly worthless, and that there must be ample testimony in the possession of the Japanese authorities, or attainable by them, descriptive of the whole circumstances of the tragedy.

(Signed) G. ROCHFORD, *Captain, 20th Regiment.*

CONROY FAHIE, " "

J. ALDRIDGE, " "

Approved :

(Signed) CHARLES A. WINCHESTER, *Consul and Coroner.*

Inclosure 8.

Evidence taken before Consul Winchester in connection with the Murder of Major Baldwin and Lieutenant Bird.

British Consulate, Kanagawa, November 29, 1864.

Sono, wife of the keeper of the tea-house near the Six Stone Images, being duly warned to speak the truth, states :—

I remember the 22nd of the 10th month; I did not see any two-sworded men that day; I heard people passing, remarking on the murder of two foreigners. At about 4 o'clock P.M. I saw two foreigners passing my house on horseback, about one horse's length apart. I was sweeping my shop at the time. My house is situated about 260 yards from Kichingoro's house. My son keeps a tea-house in the neighbourhood. His name is Teizo, that of his wife is Hoko. Neither of them told me anything of the murder.

(This witness obstinately declines to answer any questions, persisting that she knows nothing.)

Yasungoro, tea-house keeper near the Six Stone Images, duly warned to speak the truth, states :—

I remember the 22nd of the 10th month. I was at home between 2 and 3 P.M. that day. I remember two foreigners passing my house before 4 o'clock, on the way

from Daibuts to the Hachiman Road ; they were on horseback, riding one before the other, not far apart. I did not notice their appearance, as I was in my house. Nobody passed my house proclaiming a fight. I did not see two samurai pass my house that day. I was asked by the head of the village if I knew anything about the murder, it might have been the next day. I heard no shots fired on the 22nd.

N.B.—(The son and daughter-in-law of the foregoing witnesses have been asked for.)

Funabashi Gunji, under official of the Temple of Hachiman, being duly warned to speak the truth, states :—

I remember the 22nd of the Japanese 10th month. Two suspicious-looking samurai came to the temple to pray that day, at about 3 o'clock P.M.; one of them ascended the stone steps and knelt on the platform. This man, contrary to the usual custom, ascended the steps with his wooden shoes on ; this attracted my attention. His companion remained at the bottom of the steps. After he had made his obeisances, he left hurriedly ; he appeared to be about 25 years of age. I did not pay much attention either to his dress or appearance, and am not aware what colour his hands or dress were ; he had no hat ; he had a very long sword, but I took no particular notice of it ; his hair was done in a very long tail ; he had not the appearance of being excited. I am the one who saw these people. I did not speak to them. I am not certain as to the exact time I saw these men. They looked more like Daimio's retainers than Tycoon's men. They looked like companions, not like master and servant. The one who ascended the steps threw some cash into the temple. About an hour after seeing these men, I heard of the murder of two foreigners. I had seen some strangers there the previous day sketching and photographing. I did not hear that these strangers got into any trouble. Strangers were formerly in the habit of coming to the temple, for the purpose of photographing, but they have not been there lately. There is no objection to this on the part of the priests. Sometimes foreigners have attempted to open doors forbidden to be opened. At about 5 o'clock I went down and saw the bodies. There was breath left in one of them. I did not go very close to them, as there was a large crowd of people round them. I did not pay particular attention to the personal appearance of the foreigners. There are about fifty-two officials, of all classes, belonging to the temple. There is no particular reason for objecting to foreigners visiting the temple.

Inclosure 9.

Further Medical Evidence regarding the Wounds inflicted on Major Baldwin and Lieutenant Bird by Japanese Assassins.

APPEARED at the British Consulate, Kanagawa, this 28th day of November, 1864, before Charles A. Winchester, Esq., Her Britannic Majesty's Consul, George J. M. Woodward, Surgeon of Her Majesty's 20th Regiment, who being duly sworn made oath as follows :—

When the bodies of Major Baldwin and Mr. Bird of our regiment were brought in on the 22nd November, the following was the order of examination pursued :

The clothes of the deceased were taken off about 4 or 5 P.M. of that day, and the wounds were looked at externally, but without disturbing the parts. A precise examination was delayed until the following morning (23rd). Colonel Browne, on the evening of the 22nd, called on me for a rough description of the wounds for the information of the Minister. The two sheets now shown me, and each marked by Mr. Winchester "Rough description, C. A. W.," are what I then gave in. I forwarded the same in a note to Colonel Browne, stating it was a rough description and that the bodies had not been finally examined.

Next morning Mr. Hyde and myself conducted a detailed examination. In the final report which I afterwards produced at the Coroner's inquest, the following are the words in reference to the wounds on Lieutenant Bird's neck :—

"An extensive incised wound between four and five inches in length at the back of the neck, dividing all the soft parts and two of the cervical vertebræ."

To this there ought to have been added that both vertebræ were cut through and the spinal marrow completely severed.

In order to make the examination of this wound we drew the head over the edge of the table and allowed it to hang down face downwards. We both dissected the wound, and it was then clearly evident that both bones were cut through and complete destruction of the spinal chord had taken place.

It is possible, if the injury had not gone further than the vertebræ, that Mr. Bird might have survived some time, but not if the spinal marrow was divided as we found it.

It was a clean cut without any splintering of the bones. The wound was an oblique wound in its direction and divided the bodies of both the vertebræ; as the wound went to the right it ascended, and it appeared generally to have been inflicted by a person standing behind and to the left of the body, at least, that is the best of my belief as to the position of the party inflicting the wound.

Supposing the wound on Lieutenant Bird's neck not to have been inflicted at the first attack, he was far more likely than Major Baldwin to have survived some little time; his other wounds were consistent enough with a temporary prolongation of life.

(Signed) G. P. M. WOODWARD,
Surgeon, 2nd Battalion, 20th Regiment.

Sworn by and signed before me at the time and place first before-mentioned.

(Signed) CHARLES A. WINCHESTER, *Consul*.

Appeared at the British Consulate, Kanagawa, this 28th day of November, 1864, before Charles A. Winchester, Esquire, Her Britannic Majesty's Consul, Richard Armstrong Hyde, Assistant-Surgeon of the 2nd Battalion 20th Regiment, who, being duly sworn, made oath as follows:—

"I was present at the rough examination of the wounds of Lieutenant Bird on the 22nd in the afternoon, and again at the detailed examination on the morning of the 23rd. I have now read over the affidavit of Surgeon Woodward, made before Her Majesty's Consul this (28th) day, and confirm it in every particular. I have nothing that I would care to add to that deposition. I agree in the opinion that it was impossible for Lieutenant Bird to have lived for hours after receiving the wound in the neck, and that if that wound had not been inflicted he might possibly have lived for several hours with the other wounds.

(Signed) R. A. HYDE,
Assistant Surgeon, 2nd Battalion, 20th Regiment.

Inclosure 10.

Rough Plan showing the Locality where Major Baldwin and Lieutenant Bird were Killed.

Inclosure 11.

Substance of the Information given by the Vice-Governor from the Police Notes, copy of which was afterwards made and translated by Mr. Sotow.

November 24, 1864.

THE Vice-Governor states:—

"The hat and shoes were found near the spot where the bodies of the English officers were found.

"The hat and shoes were on the road; not in the fields. The hat is a wicker-basket mushroom hat, such as worn by officers from the middle to lower class of officers. It is also worn by civilians, as farmers and merchants. The shoes with black leather bands are of the kind worn by officers. The other shoes were common shoes."

The Vice-Governor will inquire at the priests at the great statue whether it was visited by these gentlemen before they were attacked or not. The horses stood near the spot where their masters fell. Kikugero was the first man who saw the bodies; he states:—

"I am a peasant, an 'omatsi mura.' I went out in the morning to work. About 3.30 or 4 P.M. I was returning from my work. I saw two foreigners lying. I went at once and told the peasant to whom the house belonged. The horses were cropping grass quite near at hand. I went directly to Yasuemon and told him what had happened. We came back together and secured the horses and looked after the body, and the man who lingered."

The officer, who lived some time, died at 10 P.M. ("yots doki"); all the officers of the temple say that he died about 10 P.M.

The officer said that he was an Englishman; he said so several times.

There is no description of the figure and countenance of the officer who survived in the evidence.

Hereupon Her Majesty's Consul requested, on behalf of the Minister, that the witnesses might be detained.

(Signed)

CHARLES A. WINCHESTER.

Inclosure 12.

Further Evidence taken by Consul Winchester.

November 30, 1864.

ICHI DAIMON, a labourer, duly warned, declares :—I remember the 22nd of the 10th month. I was working in the same field with Sentaro that day. About 4 p.m. I saw two foreigners approach from the direction of Daibuts. As they came along the ground became low, and we lost sight of them. Afterwards we heard neighing of horses and a noise, and one foreigner I saw turn down the road leading towards the sea between the embankments. He was still on horseback, and a samurai was following him. The foreigner fell from his horse, and the samurai returned. The samurai had his sword drawn. I did not distinguish the colour of the samurai's clothes. The samurai ran back rapidly, and as he passed Yasuemon's house I saw him joined by another samurai, and they both ran up towards the stone bridge on the Daibuts and Totska road. I could not discover any pistol-shot.

The foreigner who fell from his horse between the embankments came staggering up the road towards Yasuemon's house, and I then took notice of another foreigner who was sitting on the ground. I saw this last fall back. The foreigner who came up from between the embankments fell nearer to us than the second foreigner.

Sentaro and I crossed the bridge and came as near to the foreigners as the stone tablet on the Miura road. They had both some life then in them.

It was after we crossed the bridge that we saw the second foreigner fall back.

November 30, 1864.

Sentaro, a labourer, duly warned to speak the truth, states :—I remember the 21st November instant. About 4 p.m. I had my attention directed to something very unusual. I was working on the other side of the rivulet Yeuma-kawa. I heard some horses neighing. When I looked up I saw a foreigner riding on the path towards the sea. There was a samurai with his drawn sword running after him. Immediately afterwards, I saw the samurai return and go along the path turning off to Daibuts. I saw the foreigner falling from his horse and afterwards stagger along the road towards Kichigoro's and Yasuemon's houses. The samurai did not return till after I saw the foreigner fall. I did not hear any gun or pistol-shots. I heard a shriek at the same time as the horses neighed. The samurai who followed the foreigner down the path towards the sea had on trousers which were tucked up; he had on bands or tatské crossed on his breast and tying up his sleeves. I saw the second samurai standing near Yasuemon's house, and the two samurai joined and went along the road which leads to the division of the roads between Daibuts and Totska. After the samurai left we saw the foreigner stagger up the road. When this foreigner emerged from between the embankments, I then for the first time perceived that another foreigner was lying opposite Yasuemon's, with his face and feet towards Daibuts; and then we saw the foreigner from the sea-road fall down nearer to us than the foreigner I made out last.

After that we crossed the rivulet and came along the road to a stone tablet, where the Miura road branches off. I think the foreigner who had fallen nearest to that point had a beard. They were both alive at this time. I was about 24 feet distant. The foreigner who was furthest from us was partially sitting up, and we saw him fall suddenly back. Afterwards, when I went up to the bodies, I saw that the foreigner who fell back from the sitting position had lost two of his fingers. I did not notice the faces of the samurais. There may have been a pistol-shot fired at the time the horse neighed. I did not notice the samurai walking down from the Hajiman before this event. I saw the horses of the foreigners approaching from beyond the six-stone image tea-house, but as the ground fell they got out of sight, and it was the noise and neighing at the time I expected them to come into view which first called my attention.

The horses continued to crop grass.

The name of my companion who was working with me is Ichi daimon.

November 30, 1864.

Otoka, the son of Choguro, living in Omachi, aged 15, duly warned, declares to speak the truth:—

I was standing on the other side of a little stone bridge to the south of the embankment on the road leading towards the sea. I heard some horses, and immediately after the noise of a horse running down along the road between the embankments. I then went and placed myself on the road. I saw a foreigner fall from his horse, which came on towards me. I saw the legs of a samurai between those of the horse as he came towards me. I was much frightened. I did not see the samurai strike the foreigner, but I saw his sword glittering in the air. I only saw the samurai's trousers, but cannot speak as to the colour. I saw the foreigner stagger up the road away from me towards Yasuemon's house. The horse jumped over the south embankment before he came to the little bridge on the other side of which I was standing. I was frightened, and ran away and hid myself.

Afterwards when the people returned, I picked up a little flask [since returned] and noticed blood on the bushes. I only saw the legs of one samurai. Afterwards I saw another horse near the branching off of the Miura road.

Koseimon, chief of the village of Haseimura, near Daibuts (in which the image is situated), duly warned, declares to speak the truth:—

I remember the affair of the 21st November near my village.

I was passing along the road, when near the tea-house of the Six Stone Images, two foreigners on horseback passed me, and I had got to a high part of the road, I could see two samurai attacking them. I was so frightened that I lost my head, and ran away into the house of Yasugoro. There was a great wind blowing that day, and I was so much frightened that I cannot say I heard any shot. The foreigners were riding, not together, but one before the other, a little distance between them.

I saw each samurai attack one of the foreigners as they passed the little stone bridge, both from the side of Yasuemon's house. I cannot describe the circumstances of the attack with certainty, I was so frightened; but the foreigners seemed to be well abreast when the samurai attacked. The samurai attacked the foreigners sideways. The first foreigner appeared to be the taller of the two. The second foreigner took off his hat as he passed me, perhaps to fix it more firmly on his head, as the wind was blowing.

When the horses passed me they were trotting slowly.

Inclosure 13.

Information received through a Confidential Agent sent to Kamakura by Mr. A. von Siebold.

Report by a Native of Fujisawa, Isutaga Matabé.

My servant returned from Miura (a village on the seaside east of Kamakura) and passed near the road leading from the temple Hachiman, where there was a disturbance, and that foreigners had been killed. He went to look, and saw a foreigner of large stature dead on the ground, bleeding much from his throat, possibly wounded on that place, also from his abdomen blood was flowing, as if he had been wounded there; the other foreigner was wounded on the leg and hand and was still alive, and saying with some difficulty, as his tongue was paralyzed, something about sending to Yokohama to English sanjiuban or nijiugoban (No. 25 or 30), promising to give many dollars ("dollar taisan yaru"). The horses eating grass on the roadside; no "bettos" were visible, and also no officials or yakunins; this was after 2 o'clock and before 3 o'clock English reckoning.

Report of the Tea-house Rokujisoo, on the Daibuts Road (about 120 yards from the place where the murder took place).

After 2 o'clock a Japanese ran past our house, crying, and said, "Some foreigners are fighting with samurai (Daimio's retainers), and the samurais have both drawn their swords." We heard some noises of blows given, and immediately afterwards two shots of a gun or firearm. No peasants were at this time in the neighbouring fields. We sent notice to the chief of the village, and went ourselves to see what had happened. We saw one foreigner dead and lying on his back over one side; the other still alive, and asking to send to Yokohama, to No. 25 or 30, and promising dollars in reward. The other things

he said we did not understand, but believe he was asking for water. He was alive until 2 o'clock that night; we know this, as guards were put round them by the officers from the temple Hachiman and other officials.

NOTE.—This was told by the woman of the tea-shop of Roku-ji-sô.

Current Reports in the neighbourhood of Yokohama.

A child was playing near the tea-house near the place where the murder took place. Two Japanese officers, one very tall and both young, came and sat down and told the child to run away, as some disturbance would happen shortly. A girl passed at 2 o'clock with the rice, &c., to take to the fields, and the two-sworded men said also, Run away, there is danger. She went on some distance, and looking round, saw the two samurais attacking the foreigners, and she was afraid and ran away. Another child saw them through the shrubbery washing their swords in a paddy field rivulet and putting them back in their scabbards. They ran away along the pine-tree road towards the sea-shore. The child saw a hat, two pairs of Japanese shoes, and a bamboo stick on the ground; one pair of shoes had bamboo-lined ropes, and the hat a written mark. Six foreigners were seen with baggage going towards Daibuts, and after them two foreigners on horseback, who (the two) returned at or about 2 o'clock.

The place where the foreigners were murdered is a place where four roads meet, but notwithstanding a great many people were looking on, no one saw any two-sworded men run away: they must have gone down towards the sea-shore. The people say that they cannot be any strangers, but must live in the neighbourhood of Kamakura; they must belong to Kanazawa or to the garrison of Miura, which belongs to the Daimio Hotta Konosho, 100,000 koku.

Some kango bearers stated that the Japanese assassins had first inquired after the road, and then drawn their swords and attacked the foreigners; one foreigner pointed his revolver at them: they rushed under his horse and thrust their swords upwards; one fell from his horse and fired at the same time.

An order has been issued to the peasants not to speak or relate to any one about this tragedy, and therefore considerable difficulty is experienced to make them speak, to relate anything they witnessed, notwithstanding crowds of people assembled to see the wounded foreigners.

It is ascertained that the assassins must have made their flight towards Kanazawa or Miura, along the sea-shore; in any case their last place of residence could not have been far from the scene of murder, as they could not have walked any distance with their wooden clogs.

The convent of Ishoji (belonging to Mito) was examined, but it appeared that only harmless soldiers lived there as guards; the son of the agent had been very wild, but had been sent away last summer. All people are examined in the tea-houses and hotels.

I hereby declare that the above was related to me by the person sent down to discover the particulars.

(Signed) A. VON SIEBOLD.

November 25, 1864.

Inclosure 14.

Information received from the Vice-Governor, November 30, 1864.

THE samurais went away by the road to Totska, and first passed a village called Ongijats, and came to the house of a peasant called Basaiyemon, and asked him to sell them "soori," a particular kind of straw-shoes. The master of the house was absent. The wife, called "Mio," was in the cooking part of the house, and replied, There are no soori for sale here, and the two samurais left without further comment. Thinking them suspicious, she looked after them, and saw their backs; they had mantles open behind, but can't speak as to trousers. One had no shoes on; the other had soori on. As a pair of soori which were in front of the house were missing, no doubt one of the samurais took them.

Evidence of a sub-officer, priest of the Temple of Hachiman, called Tosida Tagima.— On the 22nd day of the 10th month I went to the village called Yamanouchi, as I had business there; and returning thence I met two samurais. Their ages might have

been 22 and 23. One had his pocket-handkerchief tied in a knot behind the head, and had trousers on. I can't state of what colour or stripes his trousers were. One had no mantle. The other samurai had taken his trousers off, and was carrying them in a bundle in his hand. This samurai had a black mantle on, with a crest on it, to which I paid no attention. This was after 4 p.m. The road on which I met these samurais leads to Tuisara and Totska; they were going in that direction.

Nangahsta.—The samurai called at the house of Mijiro at 10 p.m. 21st November, and said, "I am going to Yeddo, please point out the road." This was done towards Misoonokutchi. They first took the road to Hachijosi, and when the error was pointed out they came back and took the right road. Cannot describe their appearance or dress as it was night.

Shimosakoonoboo.—At the house of a man called Yaské people had collected. Two samurais, about midnight of 22nd, 10th Japanese month, opened the front door and said they were hungry and asked for food, which was refused at first, but they begged much. So they gave them three cups of saki. They again begged something to eat. So they gave them three cups of mixed rice and barley and sweet potatoes, 16 cash worth. They bought one candle and paid 1 tempo and 64 cash altogether, and offered 2 itchi-boos to any one who would show them the way to Asabu, a quarter near the United States' Legation in Yeddo, but this was declined by all the persons present. They left together, both samurai with an odowara lantern and said, "In a few days we will return and thank you," and went off to Midsoonokutchi.

Setto.—The ferry-boatman of Setto, called Senjiro:—"I was on guard at the ferry station on this side, and on the morning of the 23rd, 10th Japanese month (22nd November) two samurai appeared there before daybreak and said they were returning in great haste to Yeddo, and wanted him to push off a ferry-boat at once. Senjiro asked for what purpose, and where are you going to? They made no answer. Senjiro complained of the early hour, and they gave him half-a-tempo. Their lantern was not lit. They produced at the station on the Yeddo side their lantern and lit. Senjiro describes them as follows:—

1. About 24 years of age, the taller of the two, fair skin, a mild way of speaking, pocket-handkerchief round his head, of blue colour; a red scabbard to sword believed, does not remember the short sword; a black mantle open behind, Jatski trousers, *i.e.*, tied up, no stockings, and straw shoes.

2. Aged 20 years, about middle size in stature and girth; longish reddish face, mild way of speaking, blue pocket-handkerchief like his companion, believes sword to have a red scabbard, small sword not observed; black mantle open behind, no stockings, straw (soori) shoes.

Left in the direction of Au-yama.

These samurai were lost at this last point; no one had seen them at Au-yama.

The report that they had left by the Koshu road was incorrect.

Inclosure 15.

Sir R. Alcock to the Japanese Ministers for Foreign Affairs.

Yokohama, November 22, 1864.

ANOTHER murder has been added to the long series of assassinations in open day, of which foreigners have been the victims since the signature of the Treaties. This morning, about 1 o'clock, the Consul was roused from his bed to receive from the lips of the Governor of Kanagawa the report of an attack having been made upon two British officers of the 20th Regiment, in which one had been killed and the other grievously wounded, near the Temple of Kamakura.

Some hours later a party of mounted men, sent there by Colonel Brown, found the dead bodies of both officers under a mat shed by the side of the road, horribly gashed and mangled in the way familiar to the ruffians who fall unawares upon inoffensive foreigners in this country, and cut them down from behind with their two-handed swords.

I have seen the Governor of Kanagawa, and urged upon him the necessity of instant and energetic measures to secure the arrest of the murderers. And the Vice-Governor, who had been despatched to the scene of the outrage, has returned, informing me that the head man of the temple, the head man of the neighbouring village, and the keepers of the adjoining tea-house, have been brought here for examination.

So far, therefore, it would appear there has been no want of good-will or promptitude in the action of the local authorities. But I need hardly remind your Excellencies there is but one thing that can be really satisfactory, and that is the prompt arrest and punishment of the cowardly assassins whoever they may be, or howsoever protected.

Hitherto, in all similar cases filling up the long and dismal list recorded against Japan, this has been the one thing wanting. It is to this fact we are mainly to attribute the perpetual recurrence of the same deeds of blood—the fact of assured immunity to whoever murders a foreigner. So long as this continues, so long will the lives of strangers be insecure, and the Government of the Tycoon incur fresh and increasing responsibilities towards foreign Powers. If the assassins who killed the French officer, Lieutenant Camus, had been discovered, convicted, and publicly executed, we should not now, I believe, have to deplore the untimely death of two British officers. No measures of precaution or protection can avail to give security to life so long as every ronin or two-sworded ruffian in the country feels that of all the crimes open to him to commit there is none so sure of impunity as the murder of a foreigner.

Where, then, is this to end? Sooner or later, the Treaty Powers will undoubtedly feel under the necessity of demanding from the Government of Japan, whoever may be the depositaries of the governing power, better security for the lives of their subjects—such security, at least, as the punishment of those who take them by violence would afford. It is for the Tycoon's Government to anticipate this in vindication of their good faith, by doing now what has never yet been done, and bring the criminals to justice.

I have no doubt the Tycoon's Government deplores the frequent recurrence of these atrocious acts of violence against foreigners. I have as little doubt that they are the acts of men who are the enemies of the Tycoon, and who would willingly convulse the country with war both civil and foreign. But the ever-recurring escape of criminals butchering the subjects of foreign Powers in cold blood and without provocation, will prove more dangerous in the end to the Tycoon and the stability of his Government than the worst efforts of his enemies directed against himself. For these reasons, in addition to all others, I urge upon your Excellencies the importance of immediate action, and the necessity for such effective efforts to secure the persons of these murderers as shall make success both certain and prompt.

With respect and consideration.

(Signed)

RUTHERFORD ALCOCK.

Inclosure 16.

Lieutenant-Colonel Browne to Sir R. Alcock.

Sir,

Yokohama, November 27, 1864.

ON the 21st of the present month Major George Walter Baldwin and Lieutenant Robert Nicholas Bird, both of Her Majesty's 20th Regiment, now serving under my command, were assassinated in the village of Kamakura, in this neighbourhood, under circumstances of the greatest atrocity.

These gentlemen were not trespassing or transgressing, but were barbarously murdered in cold blood, at a place of ordinary resort, and on the public highway.

I thank your Excellency for the prompt communications had with the Government of this country, and hope against hope that justice may overtake the offenders.

I desire, and it is my duty, to record the death of these officers, and to request that their terrible fate may be brought, with the least delay, to the consideration of Her Majesty's Government.

Your Excellency needs not to be reminded that this murder adds one more to the long list of victims who have suffered in this country, and that it is but the forerunner of future calamities, unless ample and speedy retribution follows.

I have, &c.

(Signed)

H. R. BROWNE,

*Lieutenant-Colonel, 20th Regiment, Commanding
Her Majesty's Troops in Japan.*

Despatch from Sir R. Alcock respecting the Murder
of Major Baldwin and Lieutenant Bird at Kama-
kura, in Japan.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

LONDON:
PRINTED BY HARRISON AND SONS

JAPAN. No. 3. (1865.)

FURTHER PAPERS

RESPECTING THE

MURDER

OF

MAJOR BALDWIN AND LIEUTENANT BIRD,

AT

KAMAKURA, IN JAPAN.

Presented to both Houses of Parliament by Command of Her Majesty.
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Further Papers respecting the Murder of Major Baldwin and
Lieutenant Bird at Kamakura, in Japan.

No. 1.

Sir R. Alcock to Earl Russell.—(Received February 16, 1865.)

(Extract.)

Yokohama, December 17, 1864.

BY the inclosed report of Messrs. Macdonald and Siebold, your Lordship will see that already a first act of retribution, and one wholly unprecedented in the history of our relations with Japan, has taken place, in the public execution here of two accomplices belonging to the same gang of murderers as the actual perpetrators.

Inclosure 1 in No. 1.

Messrs. Macdonald and Siebold to Sir R. Alcock.

Yokohama, December 16, 1864.

IN accordance with your instructions, we proceeded this afternoon to the Tobei panese prison, officially to represent Her Majesty's Legation at the execution by the panese authorities of two ronins, accomplices of the assassins of Major Baldwin and Lieutenant Bird, late of the 20th Regiment.

Lieutenant Goldsmith, of the 20th Regiment, and Fort Adjutant of the garrison, accompanied us in order to watch the proceedings on behalf of Colonel Browne and the officers of the regiment.

On arrival we found that the gates of the prison had been thrown open and admission freely granted to a large assemblage of foreigners, military and civil, who had congregated in the open enclosure of the gaol where the execution was to take place.

At 3.20 P.M. the prisoners were led out of the prison to the place of execution with their eyes bandaged, and in the presence of the Tycoon's officers, ourselves, and the foreigners and others present, were publicly executed by decapitation.

Previous to their being led out of the prison they had been pinioned and their sentences read out to them.

On being led to the place of execution, they were made to kneel on mats in front of a wall that had been prepared to receive their heads, and with one blow their heads were knocked off by the hands of the executioner.

Their respective ages were stated as 23 and 26 years. The elder was carried into the enclosure. He had made a desperate resistance at the time of his capture, and received three severe wounds, one across the head, one on the knee, and the other on the back.

We have the honour to inclose copy and translation of a placard recording the sentence that had been posted on the prison gates. Similar placards are posted up at the gate of Yokohama, the Custom-house gates, and in the market-place.

We have, &c.

(Signed)

JOHN MACDONALD.

A. VON SIEBOLD.

Inclosure 2 in No. 1.

Placard.

(Translation.)

The ronin, Kabaiké Genpatsi, a vagrant, aged 26 years; the ronin, Inaba Usigiro, a vagrant, aged 23 years.

THE above-named individuals, by profession vagrants, wearing two swords, went with Shimizoo Seisi to the village Hatorimura, in Sozu, to the houses of the country people, saying that Seisi was going to exterminate and expel the foreigners resident at Yokohama, and demanding funds for that purpose, and threatening the peasants with death if refused. The above-named individuals having received such money and divided it with Seisi, they cannot deny being accomplices of Seisi, and therefore they are condemned to be put to death by decapitation.

11th month of the Rat (16th December, 1864).

No. 2.

Sir R. Alcock to Earl Russell.—(Received February 28, 1865.)

Yokohama, December 23, 1864.

(Extract.)

SINCE my last despatch on the subject of the recent murder of Major Baldwin and Lieutenant Bird, much activity has been displayed by the Japanese Government; and an instalment of justice has been obtained in the execution of two men, who if not proved to have been accessories to the crime, were, I think, beyond all doubt, a part of the same gang scattered over the country, and seeking to commit acts of violence on foreigners if they can find the opportunity.

As usual in such cases, there have not been wanting persons to suggest, as may be seen by the inclosed newspaper comments, that these men were mere thieves and vagrants, and had nothing whatever to do with the murder or murderers in question. Where there is a possibility of doubt, there is of course room for any extent of rash assertion. I believe, I repeat, that these men were part of a band whose main object, it may be, was to throw the country into confusion, robbing and plundering as a means of existence, but with an especial design to murder foreigners, as the most effective mode of bringing the Government of the Tycoon into trouble.

There is good ground for believing, therefore, that the Japanese Government, in striking off the heads of two ruffians so affiliated, and who had themselves made allusion to ulterior designs against foreigners, have rid themselves as well as us of two offenders plotting against and dangerous to both. Judgment has been pronounced, as I firmly believe, on sufficient evidence, and with an earnest desire on the part of the Tycoon's Government to afford satisfaction to us, and do justice to the best of their power. The publicity of the execution, and the specific terms of the proclamation pointing out the offence for which they suffered as connected with outrages on foreigners, cannot fail to have a good effect, and prove a new guarantee of security in the future.

I need hardly remark that such an example and mode of procedure is without precedent in the history of our relations with the Japanese, or indeed in the annals of their history. No Japanese, much less one of the two-sworded class, has ever before been brought to justice avowedly for an offence committed against a foreigner.

I think we may fairly accept this striking departure from all previous tradition as a evidence of good faith and strong desire to afford all the satisfaction in the power of the Government to give. It is not all that we have a right to demand or could desire. But the escape of criminals of the class of these murderers may well be beyond their control. It sometimes happens nearer home, and in countries with Governments bearing undisputed sway, and with the best and most effective police in the world. What must be the chance in a country in a condition resembling Great Britain before the Union in the days of the early Plantagenets, when not only across the border, in the fastnesses of Scotland and Wales, to say nothing of Ireland, criminals might find a sure refuge from the pursuit of justice, where no King of England's warrant would run, but in holy and privileged sanctuaries in the very capital? Yeddo at this day has at least 300 of such privileged sanctuaries in the yashkis or official residences of the feudal Daimios, and throughout the breadth of the land every feudal prince's territory is a sanctuary for the two-sworded class undoubtedly so if the offence committed be one against foreigners only.

These are perplexing and difficult conditions to deal with; and as nothing can be

be gained by insisting upon impossibilities, even if such a course could be defended as just or right, I am disposed, while pressing our demands for full justice to be done and urging the utmost diligence and energy in the pursuit of the murderers, to accept what has been already done as a satisfactory instalment. I believe it may be all that, with the best goodwill, they have hitherto been able to effect.

The inclosed correspondence with the Japanese Government and their several inclosures will put your Lordship in possession of the various steps taken. The proclamation of the Government denouncing the murderers and calling upon all Japanese to arrest, or if need be kill, such offenders, was issued at my instigation and that of my colleagues. It is satisfactory as far as it goes, though in one essential point it scarcely met the end we had in view, which was to make the whole vicinity responsible, if they neither prevented the crime nor secured the murderer. In the margin is noted an alteration I suggested, and to which the Gorogio have since replied in the sense that such end is really attained by the original notification. This measure is in keeping with their general system of mutual responsibility; but it may be impossible to obtain it, from the fact, as shown in the inclosed extract Mr. Siebold has made from Japanese law-books in regard to responsibility of the inhabitants of a street or village in case of murder within their limits, that it is neither very definite nor rigorous. The Governor of Kanagawa, Toki Osumi no Kami, who was so tardy in giving information to Her Majesty's Consul and in other respects gave rise to very sinister suspicions, has been removed from his office and disgraced at my requisition. It was necessary that he should be punished, if only as some guarantee for the future; and once satisfied that I had just cause for complaint, I am bound to say the Gorogio yielded, after some delay it is true, but with a very good grace in the end.

P.S.—I had scarcely concluded this despatch when I received a message from the Governor of Kanagawa to inform me that one of the murderers had been seized on the 17th instant, and has since confessed his crime. I inclose a memorandum of what passed, which will give all the details that have yet reached me. As I leave to-morrow morning, I have left instructions with Mr. Winchester to secure the fulfilment of a promise already made to me by Sakai Hida no Kami, that one murderer should be executed on the spot where he committed the crime, and in a public manner, in presence of a detachment of the 20th Regiment.

Inclosure 1 in No. 2.

Newspaper Extracts.

From the "Japan Herald."

To the Editor of the "Japan Herald."

Sir,

Yokohama, December 17, 1864.

I BEG leave to write a few lines respecting the execution of two men which took place yesterday at Tobi.

It has been, I believe, semi-officially notified to some persons that these two men were accomplices of those who murdered the officers of the 20th at Kamakura. Were public opinion satisfied with the truth of that assertion, so speedy a punishment by the Japanese authorities would be looked upon as a considerable and gratifying advance on former Japanese justice. But the affair is surrounded with so much mystery and doubt that it needs a good deal of elucidation.

This community, as representing the foreign nations, did not so much require the execution of two or any number of men, as the bringing of the murderers or accomplices to a full and fair trial. These two men of yesterday having been sentenced to death, we may well ask whether they have had a full and fair trial, to the satisfaction of the British and other foreign authorities; and, were any of the British or other authorities represented at the trial? Are the British and other foreign authorities convinced in their minds that the two sufferers of yesterday were truly, and have been convicted upon clear evidence as being actually, the accomplices of the murderers at Kamakura?

Before the execution was allowed to take place, all precautions ought to have been taken to remove any doubt or uncertainty upon so important a point. I lay the more stress upon this subject as I hear that a foreign merchant of Yokohama who was present at the execution, and so close upon the spot as to have a good view of the awful spectacle, affirms that one of those two men was well-known to him as a native trader with whom he had had many dealings last summer.

I was particularly struck yesterday morning by the jeering manner with which all the

native merchants spoke of the execution, and how they grinned when asking me whether the two sufferers had been actually concerned in the murder at Kamakura.

Yours truly,
DOUBTFUL.

From the "Japan Commercial News."

AS the "Japan Herald" may by chance be read by some at home, it is proper that we should set our seal of condemnation on the "Herald's" account of the individuals decapitated a few days since. We have positive information that these criminals had nothing to do with the recent murder of two of Her Majesty's officers. The accusation and condemnation was read on the ground near, when the execution took place, and it only charged them as thieves and vagabonds, and did not directly accuse them as being parties to the late murder. The murderers are still at large, and likely to remain so.

From the "Japan Herald."

A correspondent, in last week's "Japan Herald," seems to have been alarmed lest we should really have obtained a great advantage or a victory over the inveterate prejudices and traditionary policy of the Japanese. To prevent our being too much elated he suggests various sinister doubts as to the true character of the criminals executed, not seeing apparently in what the chief significance of the act consists, and he winds up by asking whether they had "a full and fair trial before British authorities," &c. Perhaps he would like that they should have been tried by the forms of Westminster or our Central Criminal Court, with English judges in their wigs and jury.

Has the writer never read the Treaty, or heard of a certain Article therein which expressly stipulates that "Japanese subjects who may be guilty of any criminal act towards British subjects shall be arrested and punished by the Japanese authorities according to the laws of Japan?"

What right of presence or intervention under such a clause have any foreign authorities? A full and fair trial, to the view of this writer, of those who according to Treaty are so to be judges, might be very different, and any attempt to accord the two would be in all cases a hopeless business.

The true political significance and importance of this act of the Japanese authorities, to those who can really understand anything of what is passing before them, lies not so much in the execution of men convicted of complicity in the murder of two foreigners, as in the publicity of the act, and subsequent official declaration that two men have been so dealt with, according to Treaty and their laws, for conspiring against foreigners to take their lives. The rest is beside the question. No British or foreign authority compelled them to bring to justice these two particular offenders or individuals. Nor does any responsibility attach to foreign Ministers for any acts of the proper tribunals, whether of omission or commission, and it would have been a piece of great folly on their part to attempt by any unauthorized interference or intrusion to assume it.

According to the writer, "before the execution was allowed to take place all precautions ought to have been taken to remove any doubt or uncertainty upon so important a point." And he lays "the more stress upon this point because he hears that a foreign merchant who witnessed the execution, affirms that one of the two men was well known to him as a native trader with whom he had many dealings last summer."

To which commentary there is this simple reply. It was no part of the business or duty of the British authorities to interfere with the administration of justice by Japanese forms, laws, or authority, and if they had by any misfortune been ill-advised enough to take up so untenable a position, the only result would have been to bring upon themselves the risk and the whole responsibility of a total failure of justice by a meddling interference, which in itself would constitute a serious violation of Treaty. The Japanese Government would, in all probability, have resented any such impertinent proceeding as insulting and offensive, and certainly would have been entirely justified in so doing.

On the other hand, if assuming, for the sake of argument, that they were wholly unworthy of trust, who can doubt on such an assumption that they could have utterly baffled any efforts of a foreign Consul or other authority to satisfy himself or get at the truth on any one point connected with the identity, antecedents, or guilt of the parties? This alone might and ought to suffice to make us scrupulously abstain from any attempt to intermeddle. But many other objections of the most insuperable character exist to the presence or direct intervention of British authorities in the Japanese administration of

justice among their own people. It is well-known that here, as throughout Asia, examination of the accused is conducted by torture. Would our correspondent like to see a British Consul taking part in such a court? And if he objected, by what right should we dictate to the Government and people of Japan the manner in which they shall execute their laws or administer justice?

They have in this matter acted according to Treaty; there is reason to believe with good faith; and whether the two men recently convicted of complicity and publicly executed for that offence, and their sentence equally publicly announced by the competent Japanese authorities, were or were not rightly so convicted, is really not a question on which we or any foreign tribunal is competent to enter. Nor, in so far as the satisfaction due to any foreign Powers is concerned, or the satisfactory character of this first instalment of justice, has the question raised by our correspondent as to the evidence of culpability on which they were convicted, any true bearing. The arrest and execution of the perpetrators of the foul murder is the demand made by Her Britannic Majesty's Representative. That satisfaction has not yet been obtained; but in the mean time it would indicate a very perverse and unreasonable spirit to refuse to accept the official acts of the Japanese Government for the arrest and punishment of accessories either before or after the crime, as a satisfactory proof of their desire to do justice to the extent of their power, on the plea that British authorities had not, contrary to Treaty, been present at the trial and allowed to dictate the order and mode of proceeding. Such rumours and reports as our correspondent refers to are to be expected as a matter of course at such a place as Yokohama, but they have no importance. Indeed, were it ever proved that the witness was right in his supposition that one of the prisoners executed was "known to him as a native trader with whom he had had many dealings last summer," that is far from proving that he may not have been a worthless character, and a man affiliated to a gang of lonins or murderers.—Communicated.

Inclosure 2 in No. 2.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE have to communicate to you the following.

As two British officers were murdered in the village Amatchi-Mura, in the district of Sousiu, we had formed the intention of arresting the murderers before your departure, and two of their accomplices have already been arrested and punished by the Government of Kanagawa, and a placard, as per inclosure, has been published within the jurisdiction of the said Governor.

After a severe examination of these accomplices in the murder, two other suspicious individuals have been tracked, and the day before yesterday, the 19th instant, arrested. As soon as these men are examined, we shall inform you of the nature of their depositions.

With respect and consideration.

The 21st day of the 11th month of the 1st year of Gengi (December 19, 1864.)

(Signed)

MIDZUNO IDZUMI NO KAMI.
ABE BUNGO NO KAMI.
SUWA INABA NO KAMI.

Inclosure 3 in No. 2.

Sentence of the two Ronins who were Executed on the 16th December, 1864.

(Translation.)

Genpatchi, without fixed domicile, declaring himself to be Ronin Kamatchi Genpatchi, aged 26 years; Woosidziro, without fixed domicile, declaring himself to be Ronin Inaba Woosidziroo, aged 23 years.

These two men, without profession and domicile, wore two swords, and forced themselves, together with a ronin, Shimidzu Seidzi, into the house of a peasant in the village Hatorimooro, in the district of Sousiu; and Seidzi said to the peasant, "As we are going to expel the foreigners at Yokohama, you must pay us money for the expedition; but if you refuse we shall cut you down." And having made him (the peasant) pay much

money, these two took their share in the said money from Seidzi, saying, however, "that they had not the same intention as he had of expelling the foreigners at Yokohama." Because they had an agreement with him, they have been sentenced for their crime to capital punishment.

Inclosure 4 in No. 2.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE have to make to you the following communication.

We inclose herewith, for your information, copy of a notification issued on the part of the Government, tending to establish order and security in the cities and villages within the limits where foreigners are at liberty to resort to, which you are desired to take notice of; and having arrested one of the accomplices of the criminals who some time ago murdered the foreigners, the Governor of Kanagawa will shortly, after examination, inflict severe punishment on him; on which occasion we shall have to make a further communication to you.

With respect and consideration.

The 17th of the 11th month of the 1st year of Gengi (December 15, 1864.)

(Signed)

MIDZUNO IDZUMI NO KAMI.
ABE BUNGO NO KAMI.
SUWA INABA NO KAMI.

Inclosure 5 in No. 2.

Notification.

(Translation.)

MURDERS having been committed on the 22nd of our 10th month on two foreigners in front of the big gate of Tzuruga-oka Hatchiman, at Kamakura, in the Province of Susiu, by two officer-like persons who ran away after the deed, strong measures have been taken to find out these culprits; and as for some time vagabonds have been crossing the different villages, strong orders have been given to arrest such individuals.

Should, therefore, another deed as the above occur, measures must be taken for their arrest by conjoint force, and in case it be impossible to effect this, there is no objection to their being killed.

Hitherto such deeds have often been committed, and each case has involved the country in difficulties; and as such failure of establishing security tends to make us weak in the eyes of foreign Powers, the aforesaid measures must be adopted in future should foreigners be killed or molested in their excursions. And if the criminals escape, it must be reported at once from such town or village, to the Government at Kanagawa or the Custom-house. Likewise so if any traces of them have been discovered or heard of, however slight these may be; in which case a reward will be offered according to circumstances; but if through fear of consequences such be kept secret, and discovered afterwards, both the individual and the yaconins of the place will be severely punished.

The above is circulated for the information of all within the limits of ten ri.

Dated 11th month (December).

(Signed)

GOVERNMENT OF KANAGAWA.

Inclosure 6 in No. 2.

Extracts from Law Books in regard to Responsibility of the Inhabitants of a Street or Village in case of Murder being committed within its enceinte.

(Translation.)

THE head or chief of the street or village has to report in writing the murder with all the particulars as to place, time, &c. Until the arrival of the coroner on the spot, the body may not be removed; the coroner shall take all evidence in writing; the village is bound to place guards round the body until the arrival of the coroner or the Government officer.

If the person cut down is not dead, only wounded, the village authorities must call medical assistance and remove the wounded person, if necessary, to a convenient spot.

The same rule extends to persons found on the high-road and not able to proceed on their journey. If there is reason to suspect that any of the inhabitants of the village or street are concerned in the murder, the chief of the village is bound over to produce the murderer within a term of ten days; and if they cannot bring him up within that time a further term is accorded of some twenty days or more, but they shall be still held responsible to discover the murderers.

If the relations of the criminal are known, they will be held responsible, and if they aided his escape they will be liable to punishment as accessories:

In case of the murder being committed on the limit of two villages, the village in the direction of which his feet are directed, when first found, shall be held responsible.

Inclosure 7 in No. 2.

The Governors of Foreign Affairs to Mr. Dohmen.

(Translation.)

WE have to communicate that Toki Osoomi no Kami has been relieved yesterday, the 22nd of our month, from his duties as Governor of Kanagawa, and we wish that you will bring this to the notice of your Minister.

With respect and consideration.

The 23rd day of the 11th month of the 1st year of Gengi (21st December, 1864).

(Signed)

KIKOOCHI YO NO KAMI.
TAMURA HIGO NO KAMI.
SHIBATA HIUGA NO KAMI.
HOSINO BITSIU NO KAMI.
IDZURE KAGA NO KAMI.

Inclosure 8 in No. 2.

Memorandum of the Report received from the Vice-Governor of Kanagawa regarding the Apprehension of the Assassin Shimidzoo Seiji.

December 23, 1864.

THE Vice-Governor reports that the discovery and arrest of one of the actual murderers of Major Baldwin and Lieutenant Bird had taken place in Yeddo on the 17th of December, consequent upon the information derived from the evidence of the two ronins executed on the 16th instant, and that the assassin is the ronin Seiji mentioned in the despatch of the Gorogio as the chief of the band. The above-named criminal was arrested in one of the suburbs of Yeddo, near Senchi, on the 17th instant, but only to-day he had confessed that he was one of the murderers of the foreigners at Kamakura, and that it was expected that his evidence would doubtless lead to the discovery of the other assassin.

The Vice-Governor further stated that Seiji was going to be sent down to Yokohama to be tried, and that the Governor would again communicate in regard to his execution.

No. 3.

Mr. Winchester to Earl Russell.—(Received February 28, 1865.)

My Lord,

Yokohama, December 29, 1864.

IT is with much satisfaction that I have to report that the energetic representations made by Her Majesty's Minister previous to his departure have terminated in the apprehension and condign punishment of Shimidsu Seiji, one of the principals in the assassination of Major Baldwin and Lieutenant Bird at Kamakura, on the 21st ultimo.

The arrest and confession of the assassin were communicated in a general way to Sir Rutherford Alcock on the eve (23rd instant) of his departure, and on the afternoon of the 26th the Governor of Kanagawa paid me a visit for the purpose of explaining the manner in which it was proposed to carry into effect the sentence passed against the prisoner.

In arranging the details several questions (some involving difficulties) presented themselves, and two subsequent interviews took place on the 27th before these were finally arranged.

1. The recognition of the prisoner by some of the witnesses who had seen the two samurai at Kamakura on the day of the murder, and the obtaining from him a short acknowledgment of his identity and guilt before official witnesses designated by myself, were objects of importance in view of the doubts to which any omission on this head would be sure to give rise. This demand was at once assented to and fully carried out, as your Lordship will gather from the inclosed despatch of Mr. Acting Consul Flowers,

giving cover to the *procès-verbal*, signed by him and Mr. Ernest Satow, of what took place at the Japanese prison on the 27th.

2. The place of execution. The locality of the crime had naturally suggested itself as the place of expiation, and Her Majesty's Minister having expressed to the Vice-Governor a wish to that effect, I deemed it right to repeat the proposal. The Governor stated in reply that Kamakura, formerly the capital of the country, was a sacred spot in the eyes of the Japanese, and the seat of temples and images which were objects of universal veneration and pilgrimage; that to make the vicinity the theatre of a judicial execution would be to degrade or even to pollute a spot very dear to native associations; that throughout Japan each district had its public place of execution, and that in the present instance he begged I would not insist on any variation in the ordinary proceedings of justice. These considerations were of a nature to which it was impossible not to defer, and I yielded the point with the observation, that as exposure of the head was part of the sentence passed, or to be passed, on the criminal, this at least should take place at Kamakura.

The Governor urged in answer that the same reasons, the force of which had been acknowledged in respect of the scene of execution, applied equally to the exposure, and that there was a spot also appointed for this final act of justice which could not take place elsewhere. On this point, however, I was able to correct him, by reminding him of the exception made in the case of the assassins of the Regent, where the exposure took place in the official quarter of the capital. The Governor then requested time to consider the point, and on the following morning it was arranged, after some discussion, that placards embodying the sentence should be erected at Kamakura, Totska, and other places in the neighbourhood within the foreign limits, and that the exposure should be made for three days at the bridge forming the main access of all passengers and traffic to and from Yokohama.

3. The time. Throughout the Governor had manifested great anxiety for the completion of the execution on the 27th, a proposal to which I assented, on the understanding that it should not take place after dark. That there might be no delay, Mr. Acting Consul Flowers and Mr. Satow repaired to the Japanese prison at Tobei at 1 P.M. It was past 4, however, before the prisoner arrived, and as the day passed on without the fixing of any possible hour within the limits of daylight, Colonel Browne, of the 2nd battalion of the 20th Regiment, commandant, dismissed the garrison, which had been kept all day in quarters in order to attend the execution. There was a strong desire to force us into attendance after dark, on various pleas—as the possibility of the prisoner committing suicide, his great exhaustion, the following day being the anniversary of the Tycoon's mother's death, &c. Blazes of light and torches were promised, but at a third interview, at which the commandant gave me useful support, it was finally settled that while the procession through Yokohama, which had already commenced, should not be interrupted or repeated, the execution was to be deferred till 10 A.M. on the following morning, the 28th. The carrying out of a great act of international justice by night was clearly inadmissible.

4. The procession. A very interesting account of the appearance, demeanour, and language of the criminal will be found in the inclosed report of Mr. Assistant L. Fletcher, which is also important as placing beyond doubt the real character of the accomplices executed on the 16th instant, and the good faith of the Japanese Government in all the measures adopted for the punishment of this crime.

5. The sentence and confession. The Governor presented me on the 27th instant with a copy of the sentence (translation annexed to *procès-verbal* of Messrs. Dohmen and Macdonald) which was read to the prisoner in the presence of Messrs. Flowers and Satow. The punishment is termed "Gokumon." It includes the procession, decapitation, and subsequent exposure, and is the highest known to Japanese law. It was stated that the confession was of considerable length, and that a day or two must elapse before a copy could be furnished. A translation will be forwarded should it be received before the closure of the mail.

6. The execution. The garrison, as had been previously arranged, was marched over to the execution-ground at 9 A.M. under command of Lieutenant-Colonel Penrose of the Royal Marines. Messrs. Dohmen and Macdonald, accompanied by a detachment of the mounted escort under Lieutenant W. H. Smith, attended as witnesses for this Legation; and Mr. Acting Consul Flowers and Mr. Student Interpreter Satow represented the extra-territorial jurisdiction of the district within the limits of which the crime was committed. At 10 A.M. the prisoner was brought to the place of execution, and conducted himself in the same calm and intrepid manner which he had displayed during the procession. He repeated his acknowledgments of guilt, and when asked by Mr. Satow to state what he had

shed to say on the previous day, replied that if the foreigners had given way he would have attacked them. He then addressed himself to the Japanese officials, and earnestly entreated that his eyes might not be bandaged, requested them to salute him, expressed a hope that though his head was to be exposed on the bridge his body might be decently buried in his own country (Mito), and a headstone recording his name and death be placed over him, and after soliciting leave, sang a song which was understood to be in praise of his Daimio and native district. At the conclusion of his strain he cursed the foreigners, declaring that it was an unhappy day for Japan when a man of his class was punished for the slaying of an individual of that hated race; and finally asking the executioner if he had put water on his sword, submitted himself to his doom. The inclosed procès-verbal, drawn up by the gentlemen directed to attend the execution will furnish your Lordship with additional particulars.

7. The remaining criminal. Subsequently to the execution the Governor informed Mr. Dohmen that the fourth actor in this assassination, named Takahashi Tôjiurô (under whose sword Major Baldwin fell), was supposed to be in Yeddo disguised as a merchant, and hotly pursued by the police.

I ought not to close this narrative without expressing my obligations to all the gentlemen of the Legation and Consulate already named, for their earnest and useful assistance.

Such, my Lord, is an account of the first act of international justice directed to the punishment of the formidable band of ruffians leagued to exterminate foreigners by murder, which since the opening of trade in 1859 has taken place in Japan. Every prejudiced mind must consider it as evidence of a great change in the policy of this government towards foreign Powers. A year ago it would have been vain to hope for such an exhibition of strength on the part of the Administration of the Tycoon. It could not have dared to face the outcry which such a proceeding would have created. Happily, the force imparted to it by the destruction of Choshu's power at Shimonasaki has enabled it successfully to take a step entirely consonant with the true principles on which the friendly intercourse between nations is founded.

The punishment of the actual criminals is the only real ground for hoping that the system of assassination will be repressed. So long as immunity from punishment attended the commission of acts of fanatical atrocity, the demand of money compensation from the government of the Tycoon, which felt itself unable to punish the crime, rather added to the éclat of the deed by involving in difficulty the Power which had first contracted negotiations with the foreigner.

It would be to form far too sanguine a conclusion that the punishment of three or even four of this band will suffice to terminate the long and melancholy list of crimes against the lives of foreigners. It may even inspire a thirst for vengeance in the breasts of their associates. But after all, human nature is the same everywhere. The fanaticism which involves the crime of secret murder, however much the intrepid endurance of punishment may inspire admiration, will be found far less operative when it is seen to imply imminent risk of personal retribution.

Moreover, the influence of such an example will affect the conduct of large classes, whose dislike to foreigners, however hearty, is still under the control of all the ordinary motives which influence the conduct of men.

I have, &c.
(Signed) CHARLES A. WINCHESTER.

Inclosure 1 in No. 3.

Acting Consul Flowers to Mr. Winchester.

Kanagawa, December 28, 1864.

IN compliance with your instructions, I proceeded to the Japanese prison Tobei yesterday, at half-past 12 o'clock, with the object of being present at the recognition of Shimidzu Seiji, one of the murderers of the late Major Baldwin and Lieutenant Bird at Kamakura, by the witnesses.

I have now the honour to inclose a memorandum of what took place, signed by Mr. Satow and myself.

You will perceive that the evidence is most satisfactory.

In the first place, all the witnesses declared that they recognized the prisoner before them as one of the two samurai whom they had seen at Kamakura on the day of the

murder; the boy Kanakitchi at once knew him as one of the assailants of the two English officers, Major Baldwin and Lieutenant Bird. The prisoner himself, on being questioned by Mr. Satow, frankly told his name and admitted his guilt; and was proceeding to complain of the manner in which he had been examined, at which point the Japanese officers requested us to retire.

Sentence of death was then passed on him; after which he was secured on horseback, escorted to Yokohama, and paraded through the most frequented thoroughfares, with a banner carried before him on which his crimes were written in large Japanese characters.

The late hour at which the prisoner arrived from Yeddo yesterday caused the execution to be postponed to 10 o'clock this morning. From 9 to 10 o'clock A.M. the British troops in garrison and many of the foreign community collected round the place of execution. The prisoner was brought to the place of execution at 10 o'clock. An hour was spent in necessary preparations, during which time the prisoner—a hardy, powerful looking young man 25 years of age—showed no signs of dismay.

At about 11 o'clock the head was severed from the culprit's body, and was immediately carried off and placed on a spike or gibbet at the guard-house close to the bridge Yoshidabashi, which furnishes the principal and most frequented means of access to and exit from the Settlement.

Thus was concluded the most important act of international justice hitherto witnessed in Japan.

I have, &c.
(Signed) MARCUS FLOWERS.

Inclosure 2 in No. 3.

Procès-Verbal of the Recognition of Shimidzoo Seiji, one of the Murderers of Major Baldwin and Lieutenant Bird, by the Japanese witnesses Sei, Kanakitchi, and Itchibe, at the Japanese prison Tobei, on the 27th December, 1864.

UNDER instructions from Her Majesty's Chargé d'Affaires we proceeded to the Tobei at 1 P.M. for the purpose of being present at the recognition of the criminal by the above-named witnesses, and on our arrival found the witnesses assembled.

It was arranged that the witnesses should view and observe the features and person of the prisoner from behind a screen; an arrangement which the sliding partitions of Japanese rooms render perfectly easy.

The prisoner arrived from Yeddo about 4 P.M., and was immediately placed so as to be fully exposed to the observation of the witnesses.

When a sufficient time had elapsed to enable the witnesses to speak to the identity, they were separately interrogated and respectively made the following statements:—

Sei (a widow who keeps a sweet-meat stall at the gate of the Hajiman) declared that she recognized the prisoner to be the man who laid his hat on her bench before going to the temple.

Kanakitchi (a boy aged 11 years, residing at Muira) declared that he recognized the prisoner as the man who with drawn sword attacked the first foreigner, Lieutenant Bird, as he passed.

Ishibe (the keeper of the Kadoya tea-house at Totska) declared that he recognized the prisoner as one of the two samurai who on the night of the 22nd of 10th Japanese month came into his premises and imperiously demanded food.

Whereupon we proceeded into the room where the prisoner was, and the following questions were put and replies received through the Undersigned, E. Satow, interpreter:—

“Are you indeed Shimidzoo Seiji?”

“Yes, my name is Shimidzoo Seiji.”

“Are you one of the men who killed the foreign officers at Kamakura on the 22nd of the Japanese 10th month?”

“Yes, I killed one of the foreign officers at Kamakura.”

The last question was repeated in a somewhat varied form, and the prisoner rejoined

“Without doubt I am one of the men who killed the foreigners at Kamakura; but I have something to say about the manner in which I have been examined.”

At this point the Japanese officers rushed in, and ordering the prisoner to be silent, requested the interrogatories might cease; and the Undersigned, Acting Consul, considering

he satisfactory character of the recognition, and subsequent acknowledgment of guilt. rendered it unnecessary to proceed further, we retired to the next apartment.

The prisoner looked pale from confinement, but did not exhibit on his person or countenance any marks of exhaustion or ill-usage.

(Signed) *MARCUS FLOWERS, Acting Consul.*
ERNEST SATOW, Student Interpreter.

Inclosure 3 in No. 3.

Mr. Fletcher to Mr. Winchester.

Sir, *Yokohama, December 27, 1864.*

THE following is a plain narration of my own impressions, and of what I was able to gather this evening when I accompanied the procession of Shimidzoo Seji, the chief actor in the murder of Major Baldwin and Lieutenant Bird, as he was led exposed to public view on the back of a pack horse through the streets of Yokohama. About half-past 4 o'clock in the afternoon he arrived at the native quarter of the town, accompanied by a large guard of officials that escorted him from Yeddo. The whole population of the native town turned out in a mass. Great excitement prevailed, and the curiosity to see him was intense. He was paraded about before the public gaze for an hour's time through all the principal streets of Yokohama, in both the foreign and Japanese quarters; and about dark was conveyed to the place of execution on the side of the hill, a short distance beyond the Governor's house, where it was supposed the sentence was immediately to be carried into effect. I accompanied the culprit closely to the place of execution, putting no questions to him, however, both as I was desirous not to lay myself open to the abuse which a condemned malefactor, situated as he was, might be supposed to indulge in towards a foreigner, and because I thought that he might volunteer some statement of his own, more to be relied upon than anything that might be elicited by putting questions in a direct form. In this hope I continued near him all the time, during some four hours, till about half-past 8 o'clock, when as I was standing at a short distance from him Thomas Caulfield, the Consulate gaoler, came up to me and informed me that he was addressing those around him, and, as it appeared to him, making some confessions. I walked in towards the crowd and stealthily came up behind the officer that seemed to be listening and assenting to what he said, assenting in the sense merely that he was hearing him. The beginning I did not hear, but the first words that caught my ear as I drew near within a few feet of him were, "What a wonderful place Yokohama is becoming! How it has grown during the last five years, since I visited it before. I suppose this extraordinary growth of the place is much owing to the Consuls. What a sad contrast it presents to Yeddo, which is far, far from extending. Well, some years ago I was an officer of high standing and rank, and little did I think that my end should be this, which is one of shame. My name, however, is known to my countrymen as an officer of reputation, well versed in philosophy and the sciences; and I trust my body shall have its last resting-place in Mito, and receive a decent burial. Gempatchi, who I understand has already been put to death, joined me only this last spring. How long is my head to be exposed? Is it for three days? When I killed the foreigners, I expected one of them might be a Consul."

Here he spoke in a vague and incoherent manner of Consuls, from which I was led to infer, though indeed I might be mistaken, that he used the word "Consul" merely as a convertible term for a foreign officer. While he was going on, however, an officer came up from the group of higher officials that were warming themselves at a fire a short way off, and on whispering something to the coolies and the others standing about him he immediately became silent.

His language and manner certainly bore him out in the claims he laid to rank and education. His face, though somewhat unprepossessing and ill-favoured in appearance, was indicative of unbending determination of purpose, with a keen intelligent eye. During his procession through the settlement he appeared to look with some interest at the place and to admire the foreign buildings, and was always ready to listen to whatever was addressed to him. On one of the foreigners remarking to him, Your name is Shimadzoo Seji? he instantly corrected him, saying it was Shimidzoo Seji rather. When he got into the native town he sang a wild and melancholy strain, which, if it had any meaning, I could not make out, but evidently to show that he was bound to die game. After he was kept for some time at the place of execution in the cold night air, he lost a good deal of the defiant attitude which he assumed while passing through Yokohama.

He complained of the hardship of his being left out in the cold night, perched on the back of a horse, whereupon he was removed to a mat placed on the ground to receive him, and his hands, which were tied behind his back, were a little loosened.

After he was supplied with some warm drink, which I imagine was sakey, he let his fancies free, and spoke in an intelligible but rambling manner about the foreigners, the Consuls, Yokohama, &c., as I have described; but he always preserved a dignity of manner truly astonishing in one giving, as he then must have supposed, his last injunctions on the brink of death. The respectful tone also in which the coolies and the yaconins approached him clearly showed that they were deeply impressed with the deference due to a man of his rank and position under what they doubtless considered merely the ban of misfortune. From his conversation and whole bearing I should have judged him to be a man of gentlemanly education and refined manners, sorely grieved at the position in which he was placed, but still determined to face his inevitable doom with calmness, in meeting which the philosophy on which he prided himself so much probably came to his assistance. He spoke something about "chikusen," which I did not happen to catch, as the officer came up and stopped him; and I took my departure immediately, as the norimon arrived in which he was to be carried off the ground, and lodged in prison for the night, his execution having been put off, as the chief officer present informed me, by the orders of Mr. Winchester and of Colonel Browne till 9 o'clock next morning.

I may remark that even in the absence of his confession that he was from the Province of Chitatchi or Mito, his accent and intonation, as well as his clear and distinct mode of expressing himself, peculiar to the more northern districts of Japan, left little doubt that he was a native of Yeddo or its close vicinity.

I ought to add further that he ate and drank heartily several times, and appeared to be in full possession of bodily strength and health, a fact entirely at issue with the statements of the Japanese officers that he was in a dying condition.

I trust these conclusions, arrived at by careful observation and with ample means of judging correctly, may not be found uninteresting to you in the meantime. And if opportunity should offer for receiving further light on the subject before the execution to-morrow I shall not fail to make the same known to you.

I have, &c.
(Signed) L. FLETCHER.

Inclosure 4 in No. 3.

Report of the Trial of the Ronin Shimidzoo Seiji.

(Translation.)

ON examination of the above, it appeared as follows:—

He was the son of a ronin, called Shimidzoo Kenjiro, and was born at the village of Kantani, in the Province of Yotomi. From his earliest years he wandered about with his father, Kenjiro, from place to place till at about the age of 10 years, as he thinks, they parted somewhere in the Province of Sangami, after which he lived upon several persons whom he had known. As he grew older he used to carry the baggage of travellers along the tokaido into Oshiu, and sometimes went on messages. For these services he obtained money, but as he had been frequently told by his father, Kenjiro, that he was of good stock, though a ronin, and must therefore, by striving to become a samurai of standing, maintain the reputation of the family, he began to carry a sword with the idea of becoming the follower of some person skilled both in literature and in military exercises, in whose service he might acquire all kinds of knowledge and accomplishments. But he felt deeply grieved at the way in which the barbarians had encroached of late and defiled the territory of the empire; and not only at that, but also at the high prices of all articles since the opening of Yokohama, to the great trouble of the whole nation. It appeared to him, therefore, that if he could only kill one barbarian and get away to a certain place he would thereby win the approbation of all who held these same opinions. With that view he set out for Yokohama on the 14th of the second month (March 1864), but hearing that two-sworded men were most strictly examined at the barriers of that place he went to Hodongaya, buried his long sword among the hills and hid his baggage in the bushes, after which, with one short sword and in disguise he set out again for Yokohama. While resting at a teahouse to make his observations he met with another man wearing one sword, with whom he entered into conversation about the barbarians. Gradually becoming more intimate with this man, and finding that he also felt much indignation at the violent and self-willed way in which the barbarians acted, he agreed on a plan for killing some: but as there was

something which caused him to suspect the other he swore an oath with him, that if either was unfaithful to the agreement the other should slay him then and there. After this they both proceeded towards the gate. But the man, who appears to have been some spy of the police, ran into the gate and called out in a loud voice that a ronin was coming. Perceiving, then, that he had fallen into a snare he ran after the man to kill him, and had almost come up to him when he saw a number of the guard issuing forth, so he entered into a buckwheat shop outside the gate and ordered some of that food to be served to him. Whilst he was making all haste to pull off his gaiters, and otherwise to disguise his person, a body of them came up. Then, in the confusion, abandoning his bundle containing two military works, some manuscripts, and some straw shoes, he ran out by the back door. He then fled to the place where he had buried his sword, as aforesaid, in the hills, and passed the whole night there.

Next day, dressed as a citizen and wearing one sword, he approached close to the gate, and seeing three barbarians come out on horseback, watched an opportunity to draw near and slay them; but they also appeared to be on their guard, and took out their pistols, so that to his great disappointment he was unable to carry out his intention. Then the guards, appearing to conceive suspicion, came out in force and pursued him, on which he ran away. Having failed on several occasions in like manner, and fearful of becoming too well known and being at last discovered, he again took to wandering about from place to place. The desire to slay barbarians, however, arose again in his mind, but as it seemed that Yokohama was too vigilantly guarded for him to get in there, it came into his head to watch the barbarians on their excursions to Kamakura, and kill them there. With this intent he stopped a night at Kanagawa on the 21st of last month (November), and on the 22nd came to Sakaingui on the confines of Musashi and Sangami, where he fell into the company of another samurai. They communicated to each other the places of their birth, &c., and he found the other to have been born in Hitachi, and to be called Takahashi Tojiuro. On learning that he was going to Kioto, and intended to pay a visit to the temple of Hachiman at Kamakura, he began to joke about his own desire to kill a barbarian, and his indignation at the way they were behaving, in order to try the other; and he also appearing to share the same indignation against barbarians, seemed a trusty man. Whereupon he discovered his intentions to the former, who approved highly of them, and so they agreed to kill the first one they met. On the same day, after paying a visit to the temple of Hachiman, on coming out of the great gate about 3 o'clock in the afternoon, and going some 200 yards, they saw two barbarians on horseback coming from the direction of Nangatani. No one else was in sight, and thinking that the opportunity for killing had at length arrived, he stopped under the shadow of an avenue of pines and said to Takahashi, "Shall we kill them?" And the latter agreeing, he threw away the plaited hat which he had on, ran out, turned to the left, drew his sword, and aimed a blow at the ribs of the barbarian who came riding first, besides inflicting other wounds which he does not particularly remember. Takahashi then attacked the other barbarian who came riding after and gave him several wounds, which he (Seiji) does not remember. Both of the barbarians fell off their horses appearing to be quite dead. Rejoicing then at having at last accomplished the purpose which he had harboured for so long, he fled away with all speed to avoid being seen. He does not know where Takahashi went to after leaving the spot. He himself, desirous of avoiding discovery, took off his long sword and wide trousers, folded up his mantle in a handkerchief, and took the appearance of a citizen bearing one sword. He then for the first time heard from report in that place that these barbarians were Englishmen. After that he passed the barrier at Shinogawa by a side path, and went to see Inaba Ushijiro and Gamaike Gempachi, men without any fixed abode, with whom he had been long intimate, and agreed with them to go up to Kioto. Wherefore, on the 2nd day of the present month, he left Yeddo, and came to Hatongaya, in company with Gempachi and the other.

On the 3rd day they arrived at Fujisawa, and being all so badly off for money that they doubted the possibility of getting to Kioto, and having heard that Hachiroyomon of Hatorimura in Sangami was a rich man, he proposed they should go and borrow some money of him. Going then to the man's house, Seiji went in first, and said that they were going to put down the barbarians, but were hard up for money to carry out that purpose, and would like to borrow some from him, threatening that he should feel obliged to kill him and his household if it were refused. Thus he obtained money by compulsion. At this moment a number of people came running up in a crowd, and they thereupon took to flight. On examining the money at some place, name unknown, amongst the hills, they found between 560 and 600 ichibus, all in the old gold half-ichibu coinage. Out of this he gave them about 200 ichibus as their share, and they then set off to Odawara; but thinking that under these circumstances it would be dangerous to continue their journey to

Kioto, they turned back to go first once more to Yeddo. They threw away their swords, and getting themselves up as citizens went as far as Nippa in Sangami, where they were discovered. Gempachi and Ushijiro were caught, but he himself escaped. Thinking that after committing such a crime there was very great danger of being captured, he again changed his disguise, putting his short sword in his bosom, wherewith to kill the police-runners in case they should attempt to take him prisoner. When captured at Senjiu, whither he had betaken himself, he said that out of the money he had changed eight cobangs with a fellow-traveller into gold two ichibu pieces, of which he had spent two cobangs and half an ichibu, and the rest he had in his possession. When strictly interrogated a second time as to the direction Takahashi had taken in view of the fact that he could not have met a man who would agree to such a crime for the first time by the way, but must have been long and intimately acquainted with him, and therefore ought to know where he would go, he declared, as already stated above, that he had not the slightest idea, but that having committed such enormous crimes, and being put on his trial for them, he was unable to offer anything in his own defence.

Eleventh month (December 1864).

The above document contains the result of the trial.

Inclosure 5 in No. 3.

Procès-Verbal of Messrs. Dohmen and Macdonald respecting the Execution of Shimidzoo Seiji.

WE, the Undersigned, having, in accordance with instructions received from Her Majesty's Chargé d'Affaires, proceeded this day to the Japanese gaol in company with Mr. Acting Consul Flowers, representing the extra-territorial jurisdiction of the district, assisted by Mr. Student Interpreter Satow, and with a party of the mounted escort in charge of Lieutenant Smith, commanding the Legation Guard of Royal Marines, to witness the public execution of Shimidzoo Seiji, one of the assassins of Major Baldwin and Lieutenant Bird, of Her Britannic Majesty's 20th Regiment, hereby declare that the sentence was carried out in the following manner:—

On our arrival at the scene of execution we found two battalions of the 20th Regiment and Royal Marines and half a battery of the Royal Artillery, under the command of Lieutenant-Colonel Penrose of the Royal Marines, drawn up in a square around a slight elevation a few hundred yards distant from the prison, on which the usual preparations had been made for the punishment which was going to take place.

Although the time for the execution had been fixed at 10 A.M. precisely the prisoner did not arrive till 11. He was brought from the prison in a norimon under due escort, headed by the bearers of a white flag and a wooden board on which the annexed sentence was written.

When taken out of the norimon, saké and sweetmeats were given him, which last repast, although standing over the pit which was a few minutes afterwards to receive his head, he seemed to enjoy very much.

The short time usually allowed to the condemned for making their last earthly arrangements, was chiefly employed by this man in singing a song, understood to be to the effect that "he did not regret dying thus, as to kill foreigners was the desire of a real Japanese"—followed by a savage growl, unmistakeably an execration against all foreigners; after which he tendered his neck to the executioner with the greatest imaginable indifference.

The decapitation presented a shocking sight, the executioner having to strike three blows before the head was severed from the body.

As soon as the first fatal blow was struck, a gun fired by the Royal Artillery announced to the spectators that justice had received her due.

Besides a large crowd of natives nearly the whole foreign community witnessed the awful sight.

When the troops marched back they saw his head exposed near the guard house at Yosidabashi, the bridge connecting the settlement with the road to Kanagawa.

Shimidzoo Seiji was a strong tall man, apparently of sound bodily health, and with a countenance fully answering the description of a Japanese desperado. He met his doom in a manner worthy of a better cause, and for which he would no doubt have left this world with full forgiveness from the regiment he so outrageously insulted in murdering two of its

beloved officers had he but shown the slightest sign of regret at the sorrow of which he was the cause.

British Legation, Yokohama, December 28, 1864.

(Signed)

MARTIN DOHMEN, *Acting Japanese Secretary.*
JOHN MACDONALD.

Inclosure 6 in No. 3.

Sentence passed on Shimidzoo Seiji.

(Translation.)

The ronin Shimidzoo Seiji, age 25 years.

This fellow, together with Gamaiké and another, went to the house of Hachiroyomon in Hatorimura, in the province of Sangami or Susin, and saying that he was going to murder foreigners, but had no money to carry on with, desired that some should be lent him, threatening death, &c., if it were refused. Having thus obtained the money by force, he joined himself to another vagrant named Takabashi Tôjirô and murdered the Englishmen before the gate of Hachiman at Kamakura. In consequence of the enormity of these crimes he is condemned to be led round the town, to be decapitated, and to have his head exposed in a public place.

11th month (December).

JAPAN. No. 3. (1865.)

FURTHER PAPERS respecting the Murder of Major
Baldwin and Lieutenant Bird, at Kamakura, in
Japan.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1865.*

73

DECLARATION
OF THE
BRITISH AND SPANISH GOVERNMENTS
FOR THE
ABOLITION
OF THE PRACTICE OF
FIRING ON MERCHANT-VESSELS
FROM
BRITISH AND SPANISH FORTS
IN THE
STRAITS OF GIBRALTAR.

Signed at Madrid, March 2, 1865.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.



DECLARATION of the British and Spanish Governments for the
Abolition of the Practice of Firing on Merchant-Vessels from
British and Spanish Ports in the Straits of Gibraltar.

Signed at Madrid, March 2, 1865.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of Her Majesty the Queen of Spain, taking into consideration that the causes which gave rise to the establishment of certain precautions in the fortified places which command the Straits of Gibraltar, in the case of vessels approaching them within the distance of cannon-shot while sailing in those waters, no longer exist; and having regard to the inconveniences to which the navigation of merchant vessels has been liable by a compliance with the formalities to which they are subjected by reason of the aforesaid precautions, when the currents or the winds oblige them to enter into the waters belonging to the maritime jurisdiction of the aforesaid fortified places; and taking into consideration, finally, that those fortified places, under normal circumstances, are exempted by the good faith of nations from surprises or attacks which the law of nations condemns, have agreed upon what follows:—

1°.

In the places of war and fortresses belonging to Great Britain and Spain which command the Straits of Gibraltar, those regulations are abolished, in virtue of which it is required that merchant-vessels which cruise in the said Straits shall show their flag in passing within cannon-shot of those places or fortresses; and it is agreed equally to abolish the intimation by means of shots, at first with powder only, and afterwards with ball, of those vessels which neglect or refuse to comply with the aforesaid obligation of showing their flag.

2°.

The agreement which precedes does not deprive the Governments of Great Britain and Spain of the right of taking, in the aforesaid places and fortresses, in time of

EL Gobierno de Su Magestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, y el de Su Magestad la Reina de España, tomando en consideracion que han desaparecido ya las causas que motivaran ciertas precauciones establecidas en las plazas de guerra que dominan el Estrecho de Gibraltar para los casos en que se aproximen á ellas bajo el tiro de cañon, los buques que navegan en aquellas aguas; y en vista de los inconvenientes que ofrece para la navegacion mercante el cumplimiento de las formalidades á que por razon de las referidas precauciones se hallan sujetos, cuando las corrientes ó los vientos les obligan á entrar en las aguas pertenecientes á la jurisdiccion maritima de dichas plazas de guerra; y atendiendo por ultimo á que estas en circunstancias normales se hallan escudadas por la buena fé de las naciones contra sorpresas y atentados que condena el derecho de gentes, han convenido en lo siguiente:—

1°.

Quedan suprimidas en las plazas de guerra y fortalezas pertenecientes á Inglaterra y España que dominan el Estrecho de Gibraltar, las disposiciones en cuya virtud se exige que los buques mercantes que cruzan dicho Estrecho muestren su bandera al pasar bajo el tiro de cañon de aquellas plazas ó fortalezas; quedando igualmente suprimida la intimacion por medio de disparos con polvera sola primeramente, y con bala despues, á los buques que descuidan ó rehusan el cumplimiento de la espresada obligacion de mostrar su bandera.

2°.

El acuerdo que precede no priva á los Gobiernos de Inglaterra y España de la facultad de establecer, en la espresadas plazas y fortalezas, cuando sobrevenga un estado

war, those precautions which they may think necessary, and which are in conformity with what the law of nations prescribes in regard to this matter.

3°.

The present Declaration does not exempt the vessels of either of the two nations from the observance of the rules of maritime etiquette in seas common to both, on meeting ships of war of either of the two nations; nor does it exempt them from the formalities respectively established for the entrance into the ports of the aforesaid British and Spanish fortresses which command the Straits of Gibraltar.

4°.

It is understood that this Declaration of the British and Spanish Governments in no way alters, modifies, or derogates from the dispositions, regulations, and practices which at present are in force in the aforesaid places and fortresses with regard to ships of war which navigate in those waters or which enter their ports.

5°.

Both Governments will give the necessary orders for the execution of the present agreement, which will begin to come into force from and after the 15th of the present month.

In witness whereof the present Declaration has been signed in duplicate by Sir John Fiennes Crampton, Baronet, Knight-Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Madrid, and by Don Antonio Benavides, Knight Grand Cross of the Royal and distinguished Order of Charles III, and Her Catholic Majesty's Minister of State, who have affixed thereto their respective seals.

Done at Madrid, the second day of March, in the year of our Lord one thousand eight hundred and sixty-five.

JOHN F. CRAMPTON.
(L.S.)

de guerra, aquellas precauciones que estimen necesarias y estén conformes con lo prescrito por el derecho de gentes sobre esta materia.

3°.

La presente Declaracion no releva á los buques de uno y otro pais de la observancia de las reglas de etiqueta maritima á su encuentro en mares comunes con buques de la marina de guerra de cualquiera de las dos naciones; ni tampoco les exime de las formalidades respectivamente establecidas para la entrada en los puertos de dichas fortalezas Inglesas ó Españolas que dominan el Estrecho de Gibraltar.

4°.

Queda entendido que en nada se alteran, modifican, ni derogan por esta Declaracion de los Gobiernos de Ynglaterra y de España las disposiciones, reglamentos, ó practicas que hoy rigen en las expresadas plazas y fortalezas respecto de los buques de guerra que naveguen en sus aguas, ó se dirijan sus puertos.

5°.

Ambos Gobiernos expedirán las ordenes necesarias para la ejecución del presente acuerdo, que empezará á regir desde el primer día del mes corriente.

En fé de lo cual la presente Declaracion ha sido firmada por duplicado por Sir John Fiennes Crampton, Baronet, Caballero Comendador de la muy Honorable Orden del Bath, Enviado Estraordinario y Ministro Plenipotenciario de Su Magestad Británica en la Corte de Madrid, y por Don Antonio Benavides, Caballero Gran Cruz de la Real y distinguida Orden de Carlos III, y Ministro de Estado de Su Magestad Católica, los cuales la han sellado con el sello de sus armas.

Fecho en Madrid, el dia dos de Marzo del año de nuestro Señor mil ochocientos sesenta y cinco.

ANTONIO BENAVIDES.
(L. S.)

DECLARATION of the British and Spanish
Governments for the Abolition of the
Practice of Firing on Merchant-Vessels
from British and Spanish Forts in the
Straits of Gibraltar.

Signed at Madrid, March 2, 1865.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING

ALLEGED COMMERCIAL NEGOTIATIONS

BETWEEN

SPAIN AND FRANCE.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting alleged Commercial Negotiations between Spain and France.

No. 1.

Sir J. Crampton to Earl Russell.—(Received February 5.)

My Lord,

Madrid, February 1, 1865.

HAVING observed a statement in a French newspaper ("La France") to the effect that a Commercial Treaty between this country and France was upon the point of being signed, I asked Señor Barzellanana whether there was any ground for such a report.

His Excellency replied that there was certainly no ground for such a statement. No Commercial Treaty was under negotiation. What had probably given rise to the report was, his Excellency added, the fact that the French Ambassador at this Court had lately proposed to Señor Benavides the modification by each country of certain dues which affected inconveniently the traffic by railway on the Northern Spanish frontier. But even if such an arrangement was concluded, it could not be regarded as constituting a Commercial Treaty.

I took the opportunity of observing that Her Majesty's Government had at various times expressed their desire to conclude a comprehensive Commercial Treaty with Spain, and that when I had conveyed this proposal to his Excellency's predecessors their answer had invariably been that Spain would not be in a position to negotiate such a Treaty with any Power until certain contemplated reforms in her internal fiscal and commercial system had been effected; but that whenever such reforms had been effected the Spanish Government would be ready to take the question of a Commercial Treaty with Great Britain into consideration; and that Her Majesty's Government might rest assured that in the meantime no separate arrangement of that sort would be made with any other Power.

Señor Barzellanana said that he had no hesitation in now renewing to me that assurance.

I have, &c.

(Signed) JOHN F. CRAMPTON.

No. 2.

Sir J. Crampton to Earl Russell.—(Received May 17.)

My Lord,

Madrid, May 13, 1865.

I HAVE the honour to inclose an extract from the "Madrid Gazette," together with translation, containing a Royal Decree authorizing the Department of Finance to submit to the Cortes a project of law for the abrogation of the differential duty upon merchandize imported by land, and for the diminution of the duties upon articles destined for the construction of ships.

Your Lordship will observe that this measure, if adopted, will involve a considerable advantage to the commerce of France with this country, carried on by railroad on the northern frontier, and that the application is made to Cortes in view of the expected result of a negotiation carrying on with the French Government on the subject, based upon reciprocity.

This is the negotiation alluded to by M. Barzellanana in his conversation with me reported in my despatch to your Lordship of the 1st of February last, when his Excellency said that such an arrangement, if concluded, could not be regarded as a Commercial Treaty, and renewed the assurance that no comprehensive Commercial Treaty would be negotiated by Spain without taking into consideration the question of a similar one with Great Britain.

In a late conversation which I had with Señor de Castro, the present Minister of Finance, I did not fail to express the hope that the concession about now to be made to French commerce would be accompanied by some relaxation of the restrictions upon that of Great Britain, and I particularly pointed out the prohibition of the export of rags and the heavy duties upon cured fish as calling for revision.

His Excellency said that a report which he had ordered to be drawn up in regard to those articles was in course of preparation.

Señor de Castro added that it would much gratify him to be able to take some step in the direction of a freer commercial intercourse with England simultaneously with the measure contemplated in regard to France, and that he did not see any reason why the articles to which I had drawn his attention might not be made the objects of it.

I shall not fail to take the earliest opportunity of reminding Señor de Castro of this matter.

With regard to the proposed reduction of the duties upon articles destined for the construction of ships, I shall inquire and report to your Lordship what may be the effect of this measure upon importations from Great Britain into Spain.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 2.

Decree.

DE acuerdo con mi Consejo de Ministros,

Vengo en facultar al de Hacienda á fin de que someta á la deliberacion de las Córtes un Proyecto de Ley pidiendo autorizacion para suprimir el derecho diferencial sobre las mercancías que se importan por tierra, y para disminuir los que están impuestos á las que se destinan á construccion de buques.

Dado en Palacio á once de Mayo, de mil ochocientos sesenta y cinco.

(Esta rubricado de la Real Mano.)

El Ministro de Hacienda,

(Firmado)

ALEJANDRO CASTRO.

A las Cortes.

Los medios rápidos de locomocion y de trasporte que han creado las líneas férreas han hecho necesarias algunas modificaciones en nuestra legislacion económica, que ponga á esta en armonia con los progresos de la civilizacion, á fin de que no sea un obstáculo ni disminuya las ventajas que los nuevos caminos están llamados á producir.

El Artículo 8 de la Ley de 9 de Julio de 1841 impuso un recargo á todas las mercancías que se importaran por tierra, igual al que grava las importaciones por mar en buques extranjeros. Este recargo disminuye hoy considerablemente y anula en muchos casos la baratura de los ferro-carriles para el trasporte de las mercancías que atraviesan nuestras fronteras, lo mismo las de produccion indígena cuando salen de España para consumirse en el extranjero, que las extranjeras cuando se importan para su consumo en el interior del Reino.

La empresa del ferro-carril del Norte de España, lo mismo que las de los ferro-carriles del Mediodía de Francia, han acudido á los Gobiernos de sus respectivos países pidiendo la supresion del recargo que hoy es recíproco; y en su consecuencia se han entablado negociaciones entre ámbos Gobiernos para resolver una cuestion que tanto interesa á la agricultura, á la industria y al comercio de las dos naciones.

Al entrar en Gobierno Español en esas negociaciones, no pudo ménos de tomar en cuenta la situacion excepcional que los recientes Tratados de Comercio de Francia con otros países, y especialmente con Italia, habian creado á algunos de los principales artículos de nuestra exportacion. Para evitar los perjuicios que sufren nuestra agricultura y nuestra industria minera ha pedido al Gobierno de Su Magestad Imperiale la disminucion de los derechos con que están hoy gravados varios de nuestros productos hasta igualarlos

con los de las naciones más favorecidas por los últimos Tratados, y tiene fundados motivos para creer que sus justas reclamaciones no serán desentendidas.

Para el caso de que la negociacion pendiente llegue á feliz término, se necesita una autorizacion legislativa.

El Gobierno de Su Magestad cree que la supresion del recargo llamado impropriadamente derecho diferencial de bandera por tierra no puede afectar los intereses de nuestra marina mercante; pero deseoso de protegerla, solicita de las Córtes los medios de contribuir á que se abaraten los artículos y las mercancías que se aplican á la construccion de buques.

Por tanto, el Ministro que suscribe, debidamente autorizado por Su Magestad, y de acuerdo con el parecer del Consejo de Ministros, tiene la honra de presentar á la deliberacion de las Córtes el siguiente

Proyecto de Ley.

Artículo único. Se autoriza al Gobierno para suprimir el recargo que sobre las mercancías que se importan en España por tierra impuso el Artículo 8 de la Ley de 9 de Julio de 1841, así como para disminuir en el arancel vigente y sin distincion de bandera los derechos impuestos á las mercancías necesarias para la construccion de buques.

Madrid, 11 de Mayo de 1865.

El Ministro de Hacienda,
(Firmado) ALEJANDRO CASTRO.

(Translation.)

IN accordance with my Council of Ministers, I have resolved to authorize the Treasury to lay before the Cortes for deliberation a Bill asking authority to suppress the differential duties on goods imported by land, and to lower those imposed on articles intended for shipbuilding.

Dated in the Palace, the 11th May, 1865.

(Signed) ALEJANDRO CASTRO, *Minister of Finances.* (Signed by the Royal hand.)

To the Cortes.

The rapid means of locomotion and carriage created by railways has rendered some modifications necessary in our economic legislation, to put the same in harmony with the advances of civilization, so that it may not obstruct or diminish the benefits which these new roads are calculated to produce.

Article 8 of the Law of July 9, 1841, imposed a new duty upon all goods imported by land, equal to that which is laid upon importations by sea in foreign ships. This additional duty now considerably diminishes, and in many cases neutralizes, the cheapness of railroads in carrying goods across our frontiers, as well those of indigenous production exported from Spain for consumption abroad as foreign goods when imported for consumption in the interior of the kingdom.

The North of Spain Railway Company, as well as those of the South of France Railways, have applied to the Governments of their respective countries, asking for the suppression of the additional duty, which is now reciprocal, and negotiations between the two countries have been arranged in consequence, to resolve a question which is of such great interest to the agriculture, industry, and trade of both nations.

The Spanish Government, on entering into those negotiations, could not but take into account the exceptional state of things which the recent Commercial Treaties of France with other countries, and especially with Italy, have caused in some of the chief articles which we export. In order to escape the losses which are sustained by our agriculture and our mining industry, it has requested of His Imperial Majesty's Government a diminution of the duties with which several of our productions are now loaded, so as to make them equal to those of the nations most favoured by recent Treaties, and it has well-founded reasons to believe that its just claims will not be rejected.

A Legislative authorization is requisite for the successful termination of the pending negotiations.

Her Majesty's Government believe that the suppression of the additional duty improperly called the differential duty, of the flag by land, cannot affect the interests of our mercantile navy; but being desirous to protect the same, it demands of the Cortes the means of contributing to cheapen the articles applied to ship-building.

Therefore the undersigned Minister being duly authorized by His Majesty, and in

accordance with the opinion of the Council of Ministers, has the honour to present to the Cortes, for discussion, the following

Bill.

Single Article. The Government is authorized to suppress the additional duty which is laid upon goods imported by land into Spain by Article 8 of the Law of 9th July, 1841; as also to lower in the existing Tariff, and without distinction of flag, the duties laid upon articles necessary for ship-building.

Madrid, May 11, 1865.

(Signed)

ALEJANDRO CASTRO, *Minister of Finances.*

No. 3.

Sir J. Crampton to Earl Russell.—(Received May 31.)

(Extract.)

Madrid, May 26, 1865.

WITH reference to my despatch of the 13th instant, I have the honour to inform your Lordship that I had lately an interview with Señor de Castro, the Minister of Finance, for the purpose of ascertaining the views of the Spanish Government in regard to the reduction of the duties upon articles destined for the construction of ships proposed in the Decree of the 13th instant, and also of ascertaining whether his Excellency was disposed to accompany the concession to French commerce contemplated by that Decree, by a relaxation of some of the restrictions pressing upon that of Great Britain, particularly those to which I had drawn his attention, in regard to exportation of rags and the importation of salted fish.

Señor de Castro said that with respect to the articles which would be included under the general designation of those destined for the construction of ships, he could not now state specifically what they would be; that he had asked for the authorization of the Cortes in general terms; but he had no doubt that the measure would have a favourable effect in regard to British importations. His Excellency remarked that the measure was intended as a compensation to Spanish shipowners for the advantages which would be accorded by the intended arrangement with France to importations by land.

With respect to the articles rags and salted fish, I was unable to draw from Señor de Castro any specific promise of an alteration of the Customs regulations favourable to the views of Her Majesty's Government, but his Excellency stated in general terms that on the separation of Cortes, which would now shortly take place, the Government would be in possession of considerable discretionary power to revise the Tariff, and that he would be happy to enter into consultation with me in regard to such measures as it may be practicable to effect for the development of commerce between our two countries.

No. 4.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, June 1, 1865.

I OBSERVE that it is stated in the French journal "La Patrie" that the commercial negotiations described as being pending between the Governments of France and Spain are at the present time actively carried on, and that it is presumed that the matter will be speedily settled.

You will report to me with as little delay as possible what truth there may be in this statement, and also as to the nature of the negotiation in question.

The commercial relations between this country and Spain are not, as you are aware, such as to be satisfactory to Her Majesty's Government, or conducive to the interests of either country, and any concessions which might be granted in Spain to French commerce, and which should not be equally extended to that of Great Britain, would be regarded here as an unfriendly act on the part of the Spanish Government.

I am, &c.

(Signed)

RUSSELL.

Sir J. Crampton to Earl Russell.—(Received June 10.)

(Extract.)

Madrid, June 6, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 1st instant, in which your Lordship observes that it is stated in the French journal "*La Patrie*" that "the commercial negotiations described as being pending between the Governments of France and Spain are at the present time actively carried on, and that it is presumed the matter will be speedily settled;" and in which your Lordship instructs me "to report with as little delay as possible what truth there may be in this statement, and also as to the nature of the negotiation intended."

In reply to these questions I would refer your Lordship to what is stated in my despatches of the 13th and 26th ultimo respectively, and also to my despatch of the 1st of February last.

The negotiation therein described between the French and Spanish Governments is, I presume, that alluded to by "*La Patrie*."

Your Lordship will have observed from the Royal Decree of the 11th ultimo, copy and translation of which accompanied my above-mentioned despatch of the 13th ultimo, that in view of the pending negotiation with France, a project of law was to be submitted to the Cortes authorizing the Spanish Government to suppress the differential duties ("recargos") upon goods imported into Spain by land; and also to diminish the duties, without distinction of flag, upon articles used in the construction of ships.

The first of these provisions will be beneficial to French commerce and, to some extent, to Portuguese commerce, in regard to a matter which specially affects them, and the measure is to be embodied, as I have stated, upon the basis of reciprocity with the French Government in a Convention, because, according to the usage of the French Government, this is the only way in which such an arrangement can be made. The principal effect of this measure as regards Spain will be that her commerce with France in certain articles transmitted by land will enjoy the same advantages as were accorded to similar articles the produce of Italy by the existing Commercial Treaty between France and that country.

The proposed reduction of duty upon articles employed in the construction of ships is chiefly intended by the Spanish Minister of Finance to meet the remonstrances of the Spanish shipping interest, by affording them a compensation for the disadvantage at which they conceive they will be put by the removal of differential charge upon importations by land. As the reduction on articles used in shipbuilding is to be applied to the commerce of all nations, without distinction of flag, and as your Lordship will have observed from my despatch of the 26th ultimo that it is intended to include as many articles as possible under this general designation, it may be anticipated that the measure may not be without some benefit to British commerce.

Since the date of my despatch of the 26th ultimo no further step has been taken in regard to the negotiation with France, except that of the publication this day of a Report of the Committee of the Congress of Deputies upon the project of law on the subject above mentioned. I have the honour to inclose a translation of this Report herewith.

The French Ambassador, M. Mercier, placed in my hands to-day, for perusal, a copy of the intended Convention. It consists of two Articles: the first abrogating the differential duty ("surcharge") upon a number of articles, of which a schedule is annexed, imported by land from Spain into France; the second abrogating a similar differential duty in regard to a certain number of articles imported from France into Spain.

The effect of the first Article will be, M. Mercier stated, to place importations from Spain by land upon the same footing as importations of the like kind from Italy and from England; and the effect of the second, to allow of the export from France into Spain, by land, of the enumerated articles upon the same footing as if exported by sea in vessels under the French or any other flag not Spanish.

The principal article of French produce affected by the Convention is that of mules, which are bred in large numbers in the south of France for the Spanish market, and upon which the duty, in consequence of the additional land importation charge, is now exorbitantly high.

M. Mercier observed that the advantages of this Convention might, perhaps, not be very considerable in themselves, but that he regarded it of importance as opening the door to further commercial measures in a liberal direction by the Spanish Government. He entertained more particularly the hope that it would prove a first step towards the abrogation of the differential duties affecting the flag which weighed so heavily upon foreign commerce with Spain.

His Excellency added that he could assure me that the Government of the Emperor in attempting to effect a breach in the restrictive commercial system of Spain, was actuated by no narrow spirit, or by a wish to obtain exclusive advantages for France at the expense of other nations. He was convinced that it was the wish of the Emperor that his Representative here should act cordially in conjunction with Her Majesty's Minister in encouraging the Spanish Government to adopt an enlarged and liberal system of commercial policy in regard to all nations. This, His Imperial Majesty firmly believed, was the course not only best adapted to secure the general commercial interests of nations trading with Spain, but one of the most essential necessity for securing the prosperity of Spain herself, and for relieving her from the financial embarrassments with which she is struggling.

Inclosure in No. 5.

Report of the Commission on the Project of Law referring to the Suppression of the Differential Duty on Merchandize imported by Land, and to diminish the Duty upon Merchandize destined for the Construction of Ships.

(Translation.)

THE Commission charged with the examination of the Project of Law presented to the Cortes by the Minister of Finance requesting their authorisation to suppress the differential duty upon merchandize imported into Spain by land imposed by the 8th Article of the Law of the 9th July, 1841, and also to diminish in the existing Tariff the duties imposed upon materials necessary for the construction of ships, has examined the said project with all the attention which its importance deserves, and has taken care to inform itself in order to present a proper report, not only by studying the previous information obtained from the Government of Her Majesty, but also by calling upon and entering into ample discussion with those Deputies who, on account of their special acquaintance with the matter, or on account of the situation of the province which they represent, are enabled to contribute to the desired and complete elucidation of the truth.

The result of their deliberations has been to accept the principle of the Project, which, in the terms in which it is stated, cannot reasonably be rejected, either by those who, faithful to the tradition of the past, and anxious for the existence of the present, desire at any cost to preserve protective duties, or by those who, anxious for progress, and persuaded that the barriers of Custom-houses are obstacles to commerce, and offer difficulties to consumption without facilitating production, would wish to break through those ancient trammels in order to enter into the general movement which, since the establishment of free trade, is to be observed amongst the most advanced nations; and the Commission makes this observation, because the differential duties, for the suppression of which it is now under consideration to authorize the Government, constitute a decided irregularity even within the limits of the protective system itself; an irregularity which does not harmonize with the rest of our Custom-house regulations, and which, without encouraging the carriage of merchandize by sea, lays an inevitable burden upon all those articles whose natural direction is to pass from one nation to another by land communications; so that the suppression of this differential duty, and the equalization of import duties on the whole periphery of our frontiers, ought not to produce any other effect than that of allowing each importer to choose for his merchandize the most direct and economical mode of conveyance, according to his special circumstances, thus influencing beneficially our commerce with frontier nations, and facilitating the working of our great lines of railroad, without prejudicing in any way either our shipping industry or our ports in the neighbourhood of our land frontiers; all which conclusions appear to be fully borne out by the official information which the Commission has received, and by the comparative studies which it has made.

But, nevertheless, as economical phenomena are so complex, and as private interest is so subtle, and knows how to avail itself so well of any advantage which may be conceded to it, the Government of Her Majesty has believed, and the Commission also believes, that it might very well happen that in consequence of a lowering of the Tariffs, or in consequence of some other cause more or less foreseen, a competition might be established in regard to certain articles between the land communications and those by sea, a competition which might be unfavourable to the latter.

Hence arises the necessity of making some concessions to our naval industry, which, by ameliorating its condition, might enable it to sustain that competition; since the Government and the Congress, by whom the interest of all Spaniards ought to be equally cared for, are very far from intending to pass a legislative measure which would place even a single individual in a disadvantageous position. The Government, consequently, has

believed, and the Commission also believes, that the best and most opportune concession which could be made to our merchant navy would be to grant it a diminution of duties upon the importation of materials necessary for the construction of ships, a diminution which opens, moreover, a source of commerce, and which approximates us to another important nation with whose ports at present, in consequence of the alarm raised by those same duties, we scarcely maintain any commercial relations.

The Commission accepts such a generous measure, but carries much further its duties, even while on its own account it does not venture to take the initiative for their realization. The Commission desires that there should be granted to Spanish shipowners as soon as possible those franchises and facilities which shipowners of other nations enjoy, and, possessed of which our marine merchants, who are as intelligent and energetic as any in the world, could compete without fear with the most advanced merchant navies. The Commission desires that, having made this first step, the suppression of those differential duties should be effected without delay—duties which, existing for so many years, have not resulted in giving life and development to that especial branch of industry, and which, like all of the same class, are declared by science to be pernicious to commerce, and which, in proportion as they are suppressed by other nations, leave the commerce of our country in a state of pernicious isolation. The Commission, consequently, hopes that the Government of Her Majesty will take into account these considerations and will place before the Cortes, as soon as may be, a series of measures conducing to this reform, and which will be for Spain the commencement of a new epoch of economical principles.

The Committee will conclude these remarks by a most important observation.

In the text of the Project of Law, which it has examined, a general authorization is spoken of; the Commission, nevertheless, in accord with the Government, has believed that it ought to be restricted to the productions of countries on the frontier, and for this it has taken into consideration a reason in the highest degree important.

The final object of this law is to clothe our Government with powers to bring to a satisfactory conclusion the negotiations pending with the Government of His Imperial Majesty, to the end that the French and Spanish nations, always interested in drawing closer their commercial relations, may reciprocally abolish the differential charge to which the merchandize of each is subject upon entering the territory of the other by land. And as this agreement can only be made between nations having land frontiers, and as it would not be just that other nations, strangers to the agreement, should be indirectly benefited by its provisions, there arises a natural necessity for restricting the authorization to the merchandize of the former.

And so much the more, because, in accordance with the principle clearly expressed in the preamble of the Project of Law of the Minister of Finance, he proposes and hopes with confidence to obtain from the French Government, as an increase of the benefit which our country is to receive, that many of our most important products, at present placed in a disadvantageous and unjust position in consequence of franchises and advantages granted to similar products of other countries, and more particularly to those of Italy, in virtue of Treaties of Commerce recently concluded with them by the neighbouring Empire, will become at once equalized with those of the most favoured nations; the which, it is evident, will be advantageous to all branches of our industry and especially to that of agriculture and mining, the most important of all those which produce materials for exportation.

In consideration of what is above stated, and in accordance upon all points with the Minister of Finance, the Commission has the honour to propose to the Congress the following

Project of Law.

Single Article.—The Government of Her Majesty is authorized, in regard to the frontiers of France and Portugal, and after having obtained proper compensations, to suppress in favour of the products of both those countries the differential duty imposed by the 8th Article of the Law of July 9, 1841, on merchandize imported into Spain by land; and also to diminish in the existing Tariff, and without distinction of flag, the duties imposed upon the raw materials which are principally employed in the construction of ships.

Palace of the Congress, June 2, 1865.

(Signed)

JOSE POLO DE BERNABE.
MARQUIS DE VILLAMEJOR.
JOSE MARIA PRAT.
JUAN MASSANET Y OCHANDO.
FRUTOS SAAVEDRA MENESES.
LOPE GISBERT.

Correspondence respecting alleged Commercial
Negotiations between Spain and France.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

LONDON :

PRINTED BY HARRISON AND SONS.

CONVENTION

BETWEEN

HER MAJESTY,

THE

KING OF THE BELGIANS,

THE

EMPEROR OF THE FRENCH,

AND THE

KING OF THE NETHERLANDS,

REGULATING THE

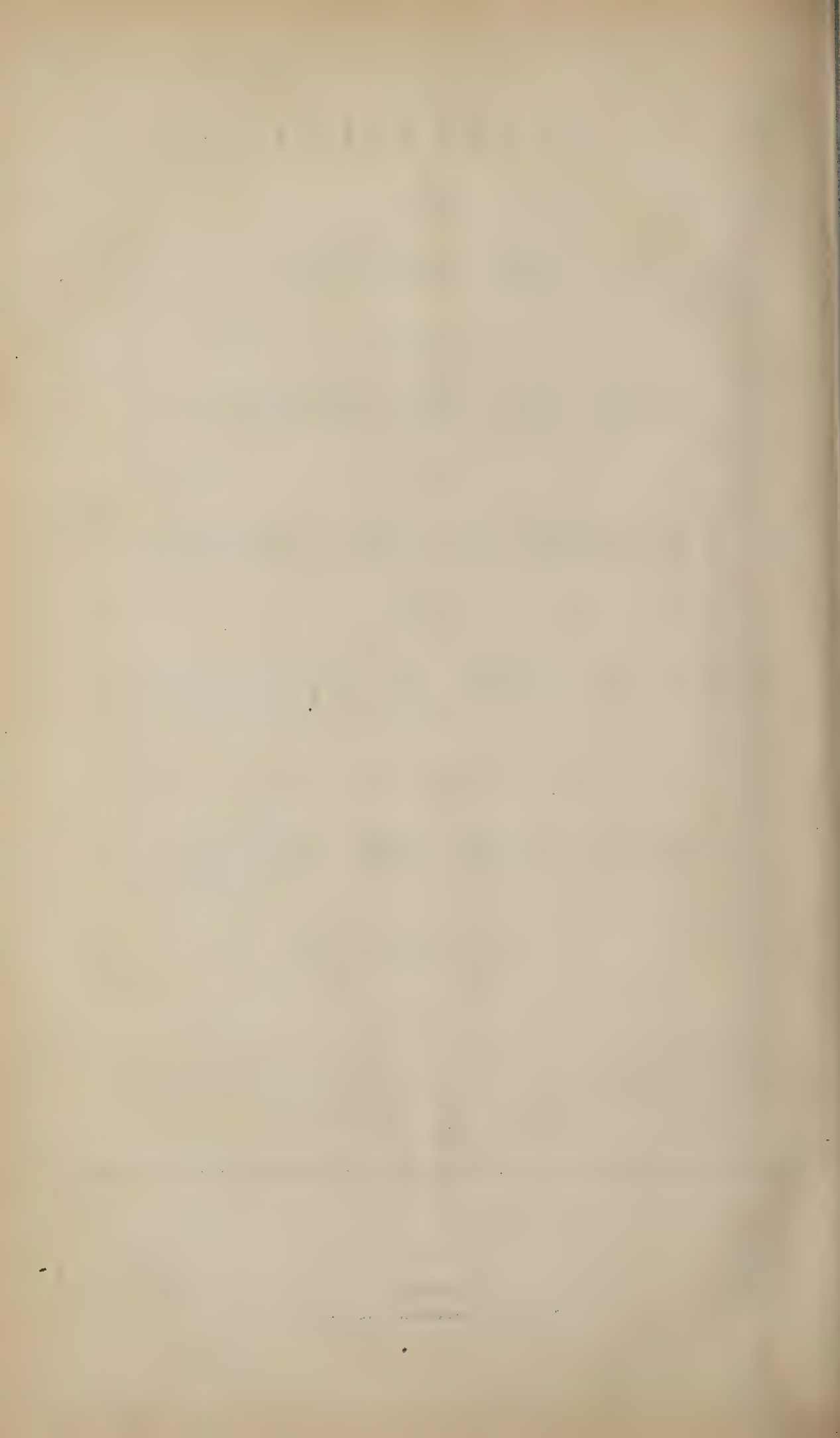
DRAWBACKS ON SUGAR.

Signed at Paris, November 8, 1864.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:

PRINTED BY HARRISON AND SONS.



CONVENTION between Her Majesty, the King of the Belgians,
the Emperor of the French, and the King of the
Netherlands, regulating the Drawbacks on Sugar.

Signed at Paris, November 8, 1864.

[Ratifications exchanged at Paris, July 5, 1865.]

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur des Français, et Sa Majesté le Roi des Pays-Bas, également animés du désir de régler d'un commun accord les questions internationales relatives à la législation des sucres, et notamment au drawback accordé à la sortie des sucres raffinés, ont résolu de convertir en une Convention Diplomatique l'arrangement que les Commissaires délégués par les Gouvernements des quatre Etats Contractants ont signé le 4 Octobre de la présente année.

A cet effet, leurs dites Majestés ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Honorable William George Grey, Chargé d'Affaires de Sa Majesté Britannique à Paris ;

Sa Majesté le Roi des Belges, M. le Baron Eugène Beyens, Officier de l'Ordre de Léopold, Commandeur de l'Ordre Impérial de la Légion d'Honneur, &c., &c., &c. ; Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur des Français ;

Sa Majesté l'Empereur des Français, M. Edouard Drouyn de Lhuys, Sénateur de l'Empire, Grand-Croix de Son Ordre Impérial de la Légion d'Honneur, de l'Ordre de Léopold de Belgique, de l'Ordre du Lion Néerlandais, &c., &c., &c., Son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ;

Sa Majesté le Roi des Pays-Bas, M. Léonard Antoine Lightenvelt, Grand-Croix de l'Ordre du Lion Néerlandais, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, &c., &c., &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur des Français ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Le minimum du rendement des sucres au raffinage est réglé provisoirement ainsi qu'il suit, par cent kilogrammes de sucre brut :—

Nos. de la Série des Types Hollandais.				Sucres raffinés en pains.
18	}	..	..	87 kilogrammes.
17				
16				
15				
14	}	..	..	85 kilogrammes.
13				
12				
11				
10	}	..	..	81 kilogrammes.
9				
8				
7				
Au-dessous de 7			..	76 kilogrammes.

Les nuances intermédiaires entre deux classes appartiendront à la classe inférieure.

ARTICLE II.

Immédiatement après l'échange des ratifications de la présente Convention, il sera procédé d'un commun accord, à frais communs, sous le contrôle collectif des agents nommés par les quatre Gouvernements contractants, et dans telle localité qui sera désignée de concert, à des expériences pratiques de raffinage sur des sucres bruts de chaque classe, et autant que possible des différentes origines, afin de constater leur rendement effectif.

ARTICLE III.

Les rendements fixés par l'Article I seront modifiés d'après les résultats obtenus par les expériences ci-dessus mentionnées, qui devront être constatées à l'unanimité par les délégués des quatre Gouvernements, et terminées au plus tard un an après l'échange des ratifications de la présente Convention.

ARTICLE IV.

Celles des Hautes Parties Contractantes qui accordent ou accorderont un drawback unique, ou une décharge de droits, établiront une corrélation exacte entre les droits d'entrée et les rendements fixés d'après l'Article précédent.

ARTICLE V.

En attendant la mise à exécution des Articles II, III, et IV, les rendements établis par l'Article I ne seront pas obligatoires en Angleterre, à condition de maintenir la corrélation qui existe aujourd'hui entre le drawback fixé par l'Article suivant et l'échelle des droits actuels à l'importation tant sur les sucres bruts que sur les sucres raffinés.

ARTICLE VI.

Il est d'ailleurs entendu que, jusqu'à ce que les Articles II, III, et IV, soient mises à exécution, le Gouvernement de Sa Majesté Britannique diminuera le drawback actuel à l'exportation des sucres raffinés de sixpence par quintal Anglais.

ARTICLE VII.

Le rendement du sucre candi pourra être de sept pour cent inférieur à celui des sucres raffinés en pains.

ARTICLE VIII.

Les sucres raffinés en pains destinés à l'exportation devront être présentés parfaitement épurés, durs, et secs, à la vérification des employés. Après cette opération, les sucres pourront être concassés ou pilés, sous la surveillance non-interrompue du service.

ARTICLE IX.

Les sucres dits "poudres blanches," rendus par un procédé quelconque égaux en qualité aux sucres mélis, recevront à l'exportation le même drawback que ces derniers sucres, à la condition, 1°, d'être assimilés, quant à la perception de l'impôt de consommation ou des droits d'entrée, aux sucres raffinés; 2°, d'être parfaitement épurés et séchés, et conformes à l'échantillon type établi par la législation actuelle de la Grande Bretagne, lequel type deviendra obligatoire pour ceux des Pays Contractants qui voudraient user de la faculté prévue par le présent Article.

ARTICLE X.

Le drawback accordé à la sortie des sucres dits bâtards ou vergeoises, selon le type auquel ils appartiennent, ne pourra excéder les droits afférents aux sucres bruts.

Sous le régime de l'admission temporaire, les mêmes sucres ne pourront être admis en compensation à la sortie, que pour des quantités n'excédant pas celles des sucres pris en charge, et sous la condition de n'être pas inférieurs, quant à la nuance, au type No. 10.

ARTICLE XI.

Il ne sera pas accordé de drawback, de restitution de droits, ou de décharge à l'exportation pour les mélasses et les sirops.

ARTICLE XII.

Le droit à l'importation sur les sirops de raffinage épuisés, et sur les mélasses ordinaires, ne devra pas excéder le tiers du droit applicable au sucre brut des types Nos. 10 à 14. Les sucres dits "mélados" paieront les mêmes droits que les sucres bruts.

ARTICLE XIII.

Les droits à l'importation sur les sucres raffinés en pains et sur les poudres blanches assimilées aux raffinés, importés d'un des pays contractants dans l'autre, ne seront pas plus élevés que le drawback accordé à la sortie du sucre mélis.

En France, les droits à l'importation seront de quinze pour cent supérieurs au droit sur le sucre brut des Nos. 15 à 18. Ce chiffre sera réduit ou augmenté en raison inverse du rendement qui sera définitivement établi.

Le droit sur le sucre candi pourra être de sept pour cent plus élevé que le droit afférent aux autres sucres raffinés.

Les vergeoises seront assimilées aux sucres bruts.

ARTICLE XIV.

En attendant la mise à exécution des Articles II et III, les droits sur tous les sucres raffinés pourront être de quatre pour cent supérieurs au taux déterminé par l'Article précédent.

ARTICLE XV.

Les tares légales dans les pays où la perception ne s'effectue pas sur le poids net, seront fixées ainsi qu'il suit :—

Emballage en bois (futailles, caisses, &c.)	..	..	..	..	..	13 pour cent.
Canastres	..	..	..	..	..	8 „
Autres emballages	{ Doubles	..	..	..	..	4 „
	{ Simples	..	..	..	..	2 „

Pour les sucres de betterave et pour les sucres importés dans des emballages autres que ceux qui sont en usage pour les sucres exotiques, les droits seront perçus au net.

ARTICLE XVI.

La prise en charge dans les fabriques de sucre abonnées sera portée immédiatement à quatorze-cent soixante-quinze grammes par l'hectolitre de jus, et par degré du densimètre à la température de 15 degrés centigrades. Elle sera fixée à quinze cents grammes dès que la production annuelle en Belgique aura atteint vingt-cinq millions de kilogrammes. Le droit à percevoir dans les fabriques de sucre abonnées sera le droit auquel seront soumis les sucres exotiques des Nos. 10 à 14.

Il est d'ailleurs entendu que les sucres bruts de betterave importés d'un des pays contractants dans l'autre, seront admis à l'exportation après raffinage, à la condition, en ce qui concerne l'importation en France, qu'ils ne dépasseront pas le No. 16.

ARTICLE XVII.

La restitution ou la décharge des droits ne sera accordée aux sucres bruts indigènes au-dessous du No. 10, provenant de fabriques abonnées, que pour une quantité réduite proportionnellement aux rendements fixés par les Articles I et III.

ARTICLE XVIII.

Les Administrations respectives des Hautes Parties Contractantes se concerteront pour déterminer, d'un commun accord, les types nécessaires à l'exécution du présent arrangement, et pour les réviser périodiquement.

ARTICLE XIX.

Les Hautes Parties Contractantes se réservent de se concerter sur les moyens d'obtenir l'adhésion des Gouvernements des autres pays aux dispositions de la présente Convention.

Dans le cas où des primes seraient accordées dans les dits pays à l'exportation des sucres raffinés, les Hautes Parties Contractantes pourront s'entendre sur les surtaxes à établir à l'importation des sucres raffinés des dites provenances.

ARTICLE XX.

L'exécution des engagements réciproques contenus dans la présente Convention est subordonnée, en tant que de besoin, à l'accomplissement des formalités et règles établies par les lois constitutionnelles de celles des Hautes Parties Contractantes qui sont tenues d'en provoquer l'application, ce qu'elles s'obligent à faire dans le plus bref délai possible.

ARTICLE XXI.

La durée de la présente Convention est fixée à dix ans.

Les Hautes Parties Contractantes se réservent, d'ailleurs, la faculté d'introduire, d'un commun accord, dans cette Convention, toutes modifications qui ne seraient pas en opposition avec son esprit ou ses principes, et dont l'utilité serait démontrée par l'expérience.

ARTICLE XXII.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de huit mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le cachet de leurs armes.

Fait à Paris, le 8 Novembre, 1864.

(L.S.)	W. G. GREY.
(L.S.)	B ^N . EUG. BEYENS.
(L.S.)	DROUYN DE LHUYS.
(L.S.)	LIGHTENVELT.

Protocole.

Les Plénipotentiaires des Hautes Parties Contractantes déclarent qu'il est entendu que la Convention signée en date de ce jour deviendrait nulle de plein droit dans le cas où les expériences prévues par l'Article II n'aboutiraient pas dans le délai d'un an, à dater de l'échange des ratifications.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent Protocole, et y ont apposé le cachet de leurs armes.

Fait à Paris, le 8 Novembre, 1864.

(L.S.)	W. G. GREY.
(L.S.)	B ^N . EUG. BEYENS.
(L.S.)	DROUYN DE LHUYS.
(L.S.)	LIGHTENVELT.

Déclaration.

Le Plénipotentiaire de Sa Majesté l'Empereur des Français déclare que le Gouvernement de Sa Majesté Impériale n'entend pas user du bénéfice des dispositions transitoires de l'Article XIV de la Convention signée à Paris, en date de ce jour, entre la Grande Bretagne, la Belgique, la France, et les Pays Bas. En conséquence les droits à l'importation en France des sucres raffinés restent tels qu'ils sont fixés par l'Article XIII de la dite Convention.

Le Plénipotentiaire de Sa Majesté Britannique prend acte de cette Déclaration.
Paris, le 8 Novembre, 1864.

(L.S.)

W. G. GREY.

(L.S.)

DROUYN DE LHUYS.

Procès-Verbal d'Echange.

LES Soussignés s'étant réunis pour procéder à l'échange des ratifications de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, de Sa Majesté le Roi des Belges, de Sa Majesté l'Empereur des Français, de Sa Majesté le Roi des Pays Bas, sur la Convention relative à la législation des sucres, conclue à Paris, le 8 Novembre, 1864, entre la Grande Bretagne, la Belgique, la France, et les Pays Bas; les instruments de ces ratifications ont été produits, et ayant été, après examen, trouvés en bonne et due forme, l'échange en a été opéré.

Toutefois, les Plénipotentiaires Soussignés, duement autorisés, sont convenus :—

1. Que la dite Convention sera exécutoire seulement à partir du 1 Août, 1865.

2. Que la stipulation relative aux sucres dits "Melados," consignée à l'Article XII de la Convention, ne recevra son application qu'à partir du 1 Septembre prochain.

En foi de quoi, les Soussignés ont dressé le présent procès-verbal d'échange, et y ont appose le cachet de leurs armes.

Fait à Paris, en quatre expéditions, le 5 Juillet, 1865.

(L.S.)

COWLEY.

(L.S.)

B^N. EUG. BEYENS.

(L.S.)

DROUYN DE LHUYS.

(L.S.)

LIGHTENVELT.

(Translation.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of the Belgians, His Majesty the Emperor of the French, and His Majesty the King of the Netherlands, being equally animated by the desire of regulating by common agreement the international questions relative to the laws affecting sugars, and especially to the drawback granted on the exportation of refined sugars, have resolved to convert into a Diplomatic Convention the arrangement which the Commissioners delegated by the Governments of the four Contracting States signed on the 4th of October of the present year.

For this purpose their said Majesties have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable William George Grey, Her Britannic Majesty's Chargé d'Affaires at Paris;

His Majesty the King of the Belgians, the Baron Eugene Beyens, Officer of the Order of Leopold, Commander of the Imperial Order of the Legion of Honour, &c., &c., &c., His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of the French;

His Majesty the Emperor of the French, M. Edward Drouyn de Lhuys, a Senator of the Empire, Grand Cross of His Imperial Order of the Legion of Honour, of the Order of Leopold of Belgium, of the Order of the Netherland Lion, &c., &c., &c., His Minister and Secretary of State for the Department of Foreign Affairs;

His Majesty the King of the Netherlands, M. Leonard Anthony Lightenvelt, Grand Cross of the Order of the Netherland Lion, Grand Officer of the Imperial Order of the Legion of Honour, &c., &c., &c., His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of the French;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The minimum of the yield of sugars in the process of refining is regulated provisionally as follows, per hundred kilogrammes of raw sugar:

Nos. of the Series of Dutch Standards.				Refined Sugar in loaf.
18	}	..	..	87 kilogrammes.
17				
16				
15				
14				
13	}	..	..	85 kilogrammes.
12				
11				
10				
9				
8	}	..	..	81 kilogrammes.
7				
Below 7		..	..	76 kilogrammes.

Intermediate shades of colour between two classes shall belong to the lower class.

ARTICLE II.

Immediately after the exchange of the ratifications of the present Convention steps shall be taken by common agreement, at common expense, under the joint control of Agents named by the four Contracting Governments, and in such locality as may be mutually agreed upon, for making practical experiments in the refining of raw sugars, of each class, and as far as possible of different origins, in order to determine their real yield.

ARTICLE III.

The yields fixed by Article I shall be modified in accordance with the results obtained by the experiments above-mentioned, which must be agreed to unanimously by the Delegates of the four Governments, and terminated, at latest, within a year after the exchange of the ratifications of the present Convention.

ARTICLE IV.

Those of the High Contracting Parties which now grant, or shall hereafter grant, a uniform drawback or a discharge for duties, shall establish an exact correlation between the import duties and the yields fixed in accordance with the preceding Article.

ARTICLE V.

Pending the carrying into execution of Articles II, III, and IV, the yields established by Article I shall not be obligatory upon England, upon condition of maintaining the correlation which at present exists between the drawback fixed by the following Article and the scale of existing import duties both on raw sugars and on refined sugars.

ARTICLE VI.

It is moreover understood, that until Articles II, III, and IV be carried into execution the Government of Her Britannic Majesty shall reduce the present drawback on the exportation of refined sugars by six pence per English hundred weight.

ARTICLE VII.

The yield for sugar-candy may be seven per cent. less than that for refined sugars in loaf.

ARTICLE VIII.

Refined sugars, in loaf, intended for exportation must be presented perfectly clarified, hard, and dry, for the inspection of the officers. After that operation,

the sugars may be broken or crushed under the uninterrupted supervision of the officers.

ARTICLE IX.

Crushed sugars, in crystal or powder, rendered by any process equal in quality to pure refined sugars, shall receive on exportation the same drawback as the latter sugars, upon condition, 1st, that they be taxed for consumption or importation with the duties attaching to refined sugars; 2ndly, that they be perfectly clarified and dried, and equal to the standard sample established by the existing legislation of Great Britain, which standard shall be obligatory upon such of the Contracting Parties as may desire to avail themselves of the option provided by the present Article.

ARTICLE X.

The drawback granted on the exportation of sugars called bastard, or pieces, according to the class to which they belong, shall not exceed the duties attaching to raw sugars.

Under the system of temporary admission, the same sugars can, on exportation, be received in compensation only for quantities not exceeding those for which the charge for duty has been raised, and on condition that they be not inferior, as regards colour, to Standard No. 10.

ARTICLE XI.

No drawback, return of duty, or discharge on exportation, shall be allowed for molasses or any kind of treacle or syrup.

ARTICLE XII.

The import duty upon exhausted treacle and on ordinary molasses shall not exceed one-third of the duty attaching to raw sugar of the Standards Nos. 10 to 14. Sugar known as "melado" shall pay the same duty as raw sugars.

ARTICLE XIII.

The import duties on refined sugars in loaf, and on sugars in crystal or powder assimilated to refined, imported from one of the contracting countries into another, shall not be higher than the drawback granted on the exportation of pure refined sugar.

In France the import duty shall be fifteen per cent. above the duty on raw sugar of Nos. 15 to 18. This per-centage shall be reduced or increased in inverse proportion to the yield which may be definitively fixed.

The duty on sugar-candy may be seven per cent. higher than the duty attaching to other refined sugars.

Pieces shall be assimilated to raw sugars.

ARTICLE XIV.

Pending the carrying into execution of Articles II and III, the duties on all refined sugars may be four per cent. in excess of the rates fixed by the preceding Article.

ARTICLE XV.

The legal tares in countries where the duty is not levied on the net weight shall be fixed as follows :—

Packages of wood (casks, cases, &c.)	..	..	..	..	13 per cent.
Baskets	..	..	..	..	8 "
Other packages {	Doubles	..	..	..	4 "
	Singles	..	..	..	2 "

For beet-root sugars and for sugars imported in packages other than those used for foreign sugars, the duties shall be levied on the net quantity.

ARTICLE XVI.

The charge for duty in the contract sugar-houses shall be raised forthwith to one thousand four hundred and seventy-five grammes per hectolitre of juice for

each degree of the densimeter, at a temperature of 15 degrees centigrade. It shall be fixed at one thousand five hundred grammes as soon as the annual produce in Belgium shall reach twenty-five million kilogrammes. The duty to be levied in the contract sugar-houses shall be the duty to which foreign sugars of Nos. 10 to 14 are subjected.

It is moreover understood, that raw beet-root sugars imported from one of the contracting countries into another shall be admitted for exportation after being refined, subject to the condition, so far as regards their importation into France, that they shall not be superior to No. 16.

ARTICLE XVII.

A return of or a discharge for duties shall not be granted for home-grown raw sugars below No. 10 made in the contract factories, except for a quantity reduced in proportion to the yields fixed by Articles I and III.

ARTICLE XVIII.

The respective executive authorities of the High Contracting Parties shall confer together in order to fix by common agreement the standards necessary for the execution of the present arrangement, and for revising them periodically.

ARTICLE XIX.

The High Contracting Powers reserve to themselves to agree as to the steps to be taken for obtaining the adhesion of the Governments of other countries to the arrangements of the present Convention.

In the event of bounties being granted in the said countries on the exportation of refined sugars, the High Contracting Parties will be at liberty to come to an understanding as to the surtax to be imposed on the importation of refined sugars of and from the said countries.

ARTICLE XX.

The execution of the reciprocal engagements contained in the present Convention is expressly declared to be subject, in case of need, to the fulfilment of the formalities and rules prescribed by the constitutional laws of those of the High Contracting Parties for whom such a sanction is required, and who engage to take measures for obtaining the same with the least possible delay.

ARTICLE XXI.

The duration of the present Convention is fixed at ten years.

The High Contracting Parties however reserve to themselves the power of introducing into the Convention, by common agreement, any modifications not inconsistent with its spirit or its principles, and the utility of which may be shown by experience.

ARTICLE XXII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in eight months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at Paris, the 8th day of November, 1864.

(L.S.)	W. G. GREY.
(L.S.)	B ^N . EUG. BEYENS.
(L.S.)	DROUYN DE LHUYS.
(L.S.)	LIGHTENVELT.

Protocol.

The Plenipotentiaries of the High Contracting Parties declare that it is understood that the Convention signed this day will become null and void in case the experiments contemplated by Article II should not come to a conclusion within the space of a year from the exchange of the ratifications.

In witness whereof the respective Plenipotentiaries have signed the present Protocol, and have affixed thereto the seal of their arms.

Done at Paris, the 8th of November, 1864.

(L.S.)	W. G. GREY.
(L.S.)	B ^N . EUG. BEYENS.
(L.S.)	DROUYN DE LHUYS.
(L.S.)	LIGHTENVELT.

Declaration.

The Plenipotentiary of His Majesty the Emperor of the French declared that the Government of His Imperial Majesty does not intend to take advantage of the transitory arrangements of Article XIV of the Convention signed at Paris this day, between Great Britain, Belgium, France, and the Netherlands. Consequently the duties on the importation of refined sugars into France remain as fixed by Article XIII of the said Convention.

The Plenipotentiary of Her Britannic Majesty took note of this declaration.
Paris, November 8, 1864.

(L.S.)	W. G. GREY.	(L.S.)	DROUYN DE LHUYS.
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Protocol of Exchange.

THE Undersigned having met together for the purpose of exchanging the ratifications by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of the Belgians, His Majesty the Emperor of the French, and His Majesty the King of the Netherlands, of the Convention relative to the laws respecting sugars, concluded at Paris on the 8th of November, 1864, between Great Britain, Belgium, France, and the Netherlands; the instruments of ratification were produced, and having, after examination, been found in good and due form, the exchange thereof took place.

The Undersigned Plenipotentiaries, duly authorized, however agreed :—

1. That the said Convention shall not come into operation until the 1st of August, 1865.

2. That the stipulations relative to the sugars called "Melados," which is contained in Article XII of the Convention, shall not come into operation until the 1st of September next.

In witness whereof the Undersigned have prepared the present Protocol of Exchange, and have affixed thereto the seal of their arms.

Done at Paris in quadruplicate, the 5th of July, 1865.

(L.S.)	COWLEY.
(L.S.)	B ^N . EUG. BEYENS.
(L.S.)	DROUYN DE LHUYS.
(L.S.)	LIGHTENVELT

King of the Belgians, the Emperor of
the French, and the King of the
Netherlands, regulating the Drawbacks
on Sugar.

Signed at Paris, November 8, 1864.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

CIRCULAR

TO

HER MAJESTY'S CONSULS

IN THE

OTTOMAN DOMINIONS

REGARDING

COTTON CULTIVATION;

TOGETHER WITH

A SUMMARY OF THEIR REPLIES.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

Circular to Her Majesty's Consuls in the Ottoman Dominions
regarding Cotton Cultivation; together with a Summary of
their Replies.

No. 1.

Circular addressed to Her Majesty's Consuls in the Ottoman Dominions.

Sir,

Foreign Office, June 27, 1864.

I AM directed by Earl Russell to transmit to you, herewith, two sets of queries respecting the cultivation of Cotton.

You will supply the information thereby required in so far as your Consular District is concerned, returning to this office the papers herewith forwarded, with the answers written opposite to each query; and in order that you may have an opportunity of collecting information elsewhere than at your own residence, several copies of the papers are inclosed.

I am, &c.

(Signed) A. H. LAYARD.

Inclosure in No. 1.

Queries.

1. Extent of land planted with cotton in each year.
2. Quantity of exotic or foreign seed used in each year.
3. Amount of produce for 1863 and estimated quantity for 1864.
4. The season for sowing.
5. The quantity of seed used per acre.
6. The season for picking.
7. The kind of agricultural implements and cleaning machines in use.
8. The facilities existing for ginning and packing.
9. The means and cost of transport and usual destination of the crop.
10. Does any system of advances to assist cultivators prevail?
11. To what system of taxation, and to what amount is the crop liable?
12. What facilities are afforded by the Government for cotton cultivation?
13. What price per pound would be remunerative under ordinary circumstances?

General remarks on the state of the crops, the probabilities of increased production, the hindrances experienced, and the best means of removing them, together with any other particulars that may be considered useful.

Supplemental Queries.

1. What is the amount of cotton produce per acre under favourable circumstances?
2. Whether with or without irrigation?
3. What is the quantity of land suitable for cotton, and what is the general character of the soil? describing districts and giving an estimate of population.

4. What is the amount of labour available for cotton cultivation? Is the land held principally by large or small proprietors?
 5. What is the usual mode of remuneration for labour or rate of wages?
 6. What is the usual weight of a bale? In Turkish weight and in English.
 7. What is the practice as to the collection of tithe or other land taxes?
 8. What are the regulations of the custom-house authorities?
 9. What facilities are given for the establishment of ginning factories and cotton presses?
 10. What are the usual ports of embarkation? With what facilities for storeage, embarkation, &c., are they supplied?
 11. What measures have been taken for the regulation of Bozook and the protection of cotton plantations from the depredations of cattle, &c., during autumn?
 12. What steps are taken for the destruction of locusts?
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No. 2.

Mr. Stuart to Earl Russell.

My Lord,

Constantinople, March 22, 1865.

WITH reference to your Lordship's despatch of the 3rd of February last, transmitting to me a paper embodying the answers of Her Majesty's Consuls to queries sent from the Foreign Office relative to the cultivation of Cotton in Turkey and Syria, I have now the honour to return that paper, having caused it to be carefully looked over and corrected by Mr. Johnston, who has added such information as he has been able to procure upon the subject at Constantinople, with a view to render the answers more full and complete.

I should state, however, that Her Majesty's Embassy has had no means of verifying the accuracy of the Consular reports, except in a few instances, and that as your Lordship wished the paper to be returned to you, for presentation to Parliament, with the least possible delay, and as any errors which could be detected have been corrected here, I have not referred it to any of Her Majesty's Consuls in the provinces.

I have, &c.

(Signed) W. STUART.

Inclosure in No. 2.

Précis of Reports upon the Cultivation of Cotton.

BAGHDAD, MOOSSUL, BUSSORAH, JERUSALEM, JAFFA,
AND CAIFFA AND ACRE.

PROVINCE OF BAGHDAD.

His Highness Namick Pasha, Governor-General.

Consul-General Kemball, C.B.

Answers to Queries.

1. No estimate can be formed of the extent of land planted with cotton. Up to 1863 the produce was unequal to the local consumption, and was supplemented by importations from Persia. In 1863 the crops were almost completely destroyed by locusts. In 1864 the loss from this cause has been trifling, and the new lands brought under cotton cultivation are probably of double the extent of previous years.—1863–1864.

2. A very little American, and about 15 cwt. of Egyptian seed, brought from Bombay, were used in 1864, but 150,000 lbs. of the latter have since been brought from Suez in the return Turkish grain vessels for use in 1865.—1863–1864.

3. No report.

4. April and May, more generally in the latter month, when grain is ripe for the sickle, and the fields cease to need irrigation.

5. From 60 to 70 lbs., but the system is wasteful, the seed being sown broad-cast, like wheat or barley, after the ground has been scratched by the native plough.

6. August, September and October.

7. Native, of primitive construction. Attempts have been made to introduce implements and gins of modern European invention, but owing to the rigid exclusion of foreign agricultural enterprise, the want of example, and from various causes, the little influence as yet exercised in this quarter by the demand for cotton, they have not succeeded. The native cleaning machine is simply a bow, with it one man may clean 30 lbs. of cotton per diem.

8. Hydraulic presses have been established at Baghdad by all the European firms for their own use, and for hire to native merchants at so much per bale. These presses have been hitherto almost exclusively used in packing wool. The native gin is simple and easily repaired, it works effectually, and with it a man may separate 60 lbs. of the cotton from the seed per diem.

9. By mules or camels, *viâ* Aleppo to Scanderoon, destined for Europe, or by river to Bussorah, destined for the Bombay market. Cost of transport by the former route to the port of shipment, 2*d.* or 3*d.* per lb. By the latter 1*d.* or 2*d.* per lb., according as it may be shipped in sailing vessel or steamer. No indigenous cotton has been yet exported. The few bales exported last year consisted of Persian cotton only, which were brought to Baghdad from Hamadan, Kermanshah, and Isfahan. Of one consignment within my knowledge, the cost at Baghdad was 11*d.* per lb., and its sale in London realized 23*d.* per lb.

10. None.

11. Cotton cultivation is necessarily confined to ground irrigated by canals, and very seldom extends to lands watered by buckets raised by horses or bullocks from the river. In the latter case the taxation is lighter, but the labour in corresponding ratio more expensive. The greater portion of canal lands is Government property, and is

farmed to middlemen who sublet it, in parcels at rates equivalent in money or in kind to half its produce. If the farmer or other middleman supplies seed and cattle, and maintains the cultivator until harvest time, as is usually the case, the latter receives one-tenth only of the remaining half as recompense for his labour. The system varies in every district, but the remuneration to the cultivator is in most cases trifling.

12. Credit is due to Namick Pasha for the importation of seed and of specimen gins to the extent above stated, but though he be certainly desirous of promoting the cultivation of cotton within the limits of his government, his Excellency is averse to any change of the administration system, or to the admission of foreign capital.

13. From 5*d.* to 6*d.* per lb., a price which would hardly render exportation to Europe remunerative, when New Orleans cotton should be selling in Liverpool for 8*d.* per lb. Moreover the indigenous cotton is of very inferior description, and though present prices are to a certain extent stimulating production, speculators are naturally apprehensive of the loss they must sustain should the rates in the European markets revert to their normal standard. A reduction of the taxation on the cultivation of cotton and the general introduction of seed of a superior quality, especially American, could alone encourage the hope of a permanent supply from this province.

Answers to Supplemental Queries.

1. The average return has been hitherto fivefold.

2. Irrigation is indispensable throughout this province.

3. The quantity of land suitable for cotton is almost co-extensive with the limits of the province. The soil being rich alluvium, cultivation is entirely dependent on the means of irrigation. Were the old canals cleared, or new canals excavated, the rent of the lands thereby reclaimed would secure an immediate and ample return upon the capital invested. It is impossible to form a correct estimate of the population of a country which is for the most part overrun by nomad tribes, and of which the half-settled inhabitants live everywhere in reed huts or goats'-hair tents.

4. Were security established and due encouragement afforded, labour would be abundantly supplied by the nomad and half-settled tribes. The Government is not in any case brought in contact with the poorer classes of agriculturists. The various estates which compose the pashalic are let out annually to capitalists, who are alone responsible for the revenue, and who make their own arrangements with the cultivators of the soil, according to the various systems of farming which obtain in different places.

5. The general form of remuneration for agricultural labour is the division of products, the lands being farmed by middlemen and a minimum share falling to the peasant. Where labour is hired, as in garden cultivation, the rate of wages is usually 12*s.*, and never exceeds 15*s.* per month.

6. The weight of a bale depends upon the mode of transport to be adopted, 65 [half load] Constantinople okes, about 180 lbs. English, for a mule; 90 okes, or 250 lbs. for a camel, and varying both in weight and size when shipped in river boats for exportation from Bussorah.

7. The collection is made by the farmer of the tithes, and is too often extortionate.

8. The system is liberal. No *ihtisab* or octroi duty is levied on cotton coming into the town, and the export duty prescribed by Treaty being levied according to tariff is virtually reduced to 4 per cent.

9. No obstacles are opposed, and all machinery connected with the production of cotton may be imported free of duty.

10. Bussorah and Scanderoon (Alexandretta). Every facility is offered for storeage and embarkation. The custom-houses at Bussorah and Baghdad being unsuitable buildings, and there being no public warehouses, the merchant is permitted to make use of his own stores, leaving nothing to be desired on this head.

11. The cultivator makes his own arrangements, and save in the districts open to the incursions of the nomad Arabs, there is no ground of complaint on this head.

12. Ravages from locusts are extremely rare. Up to 1863, upwards of thirty years had elapsed since the last visitation, and this year the province has enjoyed comparative exemption from this scourge.

General Remarks.

Extract from a report by Colonel, now Major-General Sir H. Rawlinson:—
 “The resources of Bagdad are positively unbounded. When the ‘Great King’ ruled over 120 countries ‘from India to Ethiopia,’ the single province of Babylonia furnished one-third of the gross revenue of the empire. The Abbaside caliphs again selected Bagdad as the most eligible site for a capital between Syria and Samarcand. At present there is the same country, the same teeming soil, the same tropical climate, the same illimitable supply of water. All that is required to restore the ancient prosperity of the province, to convert what is now a howling wilderness into a rich cultivated plain, resembling in character, though far more extensive than the Gangetic Valley, is a just, firm, tolerant, and enlightened Government. Life and property being assured, and the means of irrigation being supplied by the opening of the old canals, cultivators would flock in from all the neighbouring countries; the Arabs, who are now in the transition state, would rapidly exchange a pastoral and nomad life for agriculture and fixed abodes; cotton, silk, sugar, indigo, opium, and coffee, would be extensively produced, and the increase in the revenue would be enormous. It has been calculated, that by the mere opening of the old canals which reticulate the country between the Tigris and Euphrates, at an expense, perhaps, of £200,000 or £300,000, the country might be made to yield, in a few years, at least a million sterling of annual revenue. It must be remembered, indeed, that the Indian works of irrigation present no analogy to those required in the Bagdad pashalic. Here there are no engineering difficulties whatever; the country is a dead flat, and slopes gradually to the sea, at the rate of a foot per mile, for six or seven hundred miles. The beds of the canals, some of them 200 feet in width, are already made; nothing is required but to reopen the mouths and clean out the channels. The Tigris rising in March and April, and the Euphrates a month later, would then keep up a copious supply of water, exactly at the time the lands needed irrigation. There can be no doubt, indeed, but that the extraordinary productiveness of Babylonia in antiquity, and even as late as the time of the caliphs, arose from the inexpensiveness of the artificial irrigation, from the enormous disparity, which is not to be obtained in other countries, between the means and the results.”

Some specimens of cotton raised from American seed were forwarded by me to Constantinople in February, 1863. In the opinion of experienced parties here they were little inferior to the produce of America, and served to demonstrate the superior advantages which this country possesses in all the conditions most favourable to the culture of the plant. Under the existing system, however, little encouragement is afforded to capitalists to invest their money in agricultural enterprise. To applications from native speculators to undertake the cultivation of lands for a term of years at a fixed rental, and to proposals from British merchants to introduce pumps of great power for purposes of irrigation, the answer of Namick Pasha has uniformly been that the time had not arrived for taking them into consideration.

Extract from a former report by Colonel Kemball:—“The cultivation of cotton in the pachalic of Bagdad has been hitherto limited to the demands of the local market, and the produce in some years has even so far fallen short of the local consumption as to encourage the importation of this commodity from Persia. That a province rich indeed in all the elements of prosperity, enjoying a soil and climate eminently suitable to the most valuable tropical products, abounding in arable land now lying waste, and possessed of the means of irrigation to an extent almost unlimited, should not only be debarred from all participation in the cotton trade, but should be absolutely devoid of any export trade whatever, would be truly surprising were not the causes fully explained by the defective fiscal system of the Turkish Government, and by the general insecurity which represents the normal condition of the country, alike discouraging the outlay of capital for the development of its resources, and precluding the means of communication with the outports. However promising, then, the attempts to promote and extend the growth of cotton here, and to improve the mode of its preparation for market, they must, I believe, remain without practical result until some radical reforms are introduced into the administration, and a remedy applied to the state of things socially existing in Turkish Arabia.”

PROVINCE OF MOOSSUL.

Vice-Consul Rassam.

Answers to Queries.

1. 18,000 acres of land, it is estimated, is cultivated every year in Moossul.—1863-1864.

2. There is no foreign cotton seed grown in Moossul, but that of the country is very good if properly attended to.—1863-1864.

3. 2,377,350 lbs.—1863.

It is supposed that it will be more, as the fields seem more promising; however it cannot yet be known.—1864.

4. From 1st of April to end of May. In case there are locusts the sowing is left until June. That which is sown in April produces excellent crops, and is very productive, but that cultivated in June is poor, for the cold season sets in and destroys the pods before they are ripe.

5. 18 okes, or 54 English pounds.

6. Commences end of August. Terminates in December.

7. The inhabitants of these countries use their own implements in ploughing the land and clearing the fields from weeds.

8. The gins which are made in this country are of clumsy workmanship, however they answer the purpose very well when cotton is required to be separated from its seed.

9. No cotton wool has ever yet left Moossul, it is all used in the province, and is manufactured into native calicoes and other goods. In case of exportation, the land carriage from Moossul to Alexandretta will be piastres 400 per cantar, which is £3 12s. 8d., at piastres 110 per £ sterling.

10. Some of the cultivators of land take money in advance on their productions. The system, however, depends upon both parties. If the capitalist pays for the seed and the taxes, and lends the person any more money, at the time of cotton he goes and takes so much from each hundred.

11. All productions are subject to a tithe of 10 per cent., and all the annual tax of the individual, which is called Wairgoo, is levied according to the wealth or poverty of the person.

12. No facilities whatever.

13. No return.

Answers to Supplementary Queries.

1. 80 okes of cotton wool, or 240 lbs.

2. With irrigation.

3. Nearly all the land of Moossul is capable of cultivating cotton. The soil is rich and free from roots and other obstacles, and wherever water is found that land could be turned into cotton fields. There are hundreds of thousands of acres of land unemployed on both sides of the Tigris. It requires encouragement and capital to turn the waste lands into cotton fields. It is almost impossible to give an estimate of the population.

4. The amount of labour for cotton cultivation is very extensive, and beside the villagers whose profession is husbandry, there are nomad tribes, such as the Juboor, Jawwala, &c., who are engaged in the cultivation of land, and at present direct their attention to the cultivation of millet, wheat, &c. The land is held in this province by large and small proprietors, and there is still much land running to waste, without owners, on both banks of the River Tigris.

5. The labourer receives at the rate of 3 to 5 piastres per day, without any food.

6. A bale for a camel is 12 maunds, or 216 English pounds; and a mule bale is 8 maunds, or 108 English pounds.*

7. The authorities sell the tithes yearly by auction, and the buyer has a right to demand 10 per cent. from all the cultivations. The other tax, which is called 'Wairgoo,' is a sum imposed on every village, and the villagers divide it among themselves—each pays according to his means and extent of cultivation.

8. The whole of the productions which are consumed on the spot pay duty to the

* Both these calculations cannot be correct.

Custom-house Commissioner in Moossul, and that which is for export pays the duty at Alexandretta.

9. The natives use their own gins, which are made by native carpenters. They are suitable for their purpose at present, but if cotton-wool becomes an article of exportation, the improved English gin will be of great importance. There are on the spot three wool presses, which will answer the purpose if cotton becomes an article of exportation.

10. The productions of Moossul, such as sheep's wool, gall nuts, &c., are sent to Alexandretta, from thence they are shipped to England or elsewhere, and at that port they have suitable storehouses and facilities for receiving the productions of this country.

11. It is very seldom that cattle of any kind enter the cotton fields, but in some places, where the wild boar prevails, the owners of the cotton fields have to take precautionary measures to drive them out of their fields, otherwise they do much damage.

12. No steps whatever have been taken for the destruction of locusts. The first year that we had them, his Excellency Waisy Pasha gave away large sums of money to those who brought in the eggs, but it was of no use, they have now been here for the last seven years. They usually fly about the beginning of April, and remain to the beginning of June.

General Remarks.

No special remarks.

BUSSORAH, TURKISH ARABIA.

Vice-Consul Johnston.

Answers to Queries.

1. 200 acres, 1863 ; 250 acres, 1864.
2. 6,300 lbs., 1863 ; 9,800 lbs., 1864.
3. 14,000 lbs., 1863 ; 28,000 lbs., 1864.
4. March and April.
5. 34 lbs.
6. From July to November.
7. Spades.
8. There are two cotton gins and one press in Bussorah, but up to this date the latter has been used only for wool.
9. Water carriage at about £1 4s. per ton to Bombay.
10. No.
11. The land tax has not yet been levied on the small quantity produced, but the rate is 10 per cent. The export duty is 6 per cent.
12. The distribution of a small quantity of seed and permission to import cotton gins and presses duty free.
13. No return.

Answers to Supplementary Queries.

1. 168 to 196 lbs.
2. With irrigation.
3. Upwards of 1,000 square miles of alluvial soil. The cultivating population of this district may number 70,000 or 80,000, about half of whom attend to dates alone, and the other half to grain.
4. Probably 2,000 or 3,000 men might be induced to cultivate cotton by a slight addition to their average wages or gain. The land is held principally by large proprietors.
5. The usual remuneration on cultivated lands is one-quarter of the produce to the labourer, for digging up and ditching fallow lands 1,500 G. S. piastres per acre. The exception is to hire labourers per diem, when the rate is about 6d., 3 G. S. piastres.
6. 50 okes, or 140 lbs.
7. Not yet defined with regard to cotton, the quantity being so small ; but the general land tax is 10 per cent of the gross produce.
8. Those of the tariff.

9. Permission to import machinery for cleaning and pressing cotton duty free.

10. Bussorah. The small quantity produced and likely to be produced has called for none of these facilities. None has specially been provided. Ordinary cargoes are shipped from small boats into vessels at anchor in the Shat-el-Arab, off the town.

11. Bozook is unknown in this district. At present cotton is only planted in enclosures, where no extraordinary steps for its protection are necessary.

12. No steps have yet been taken.

General Remarks.

The soil of this district seems to be peculiarly well adapted to cotton cultivation, and the small quantity planted this year promises an abundant return. The probability of increased production, however, is small, as the peasantry are unaccustomed to it, and object to cultivate it, and the greater portion of the land is held by Arabs, who have no object in encouraging it or improving their lands in any way, for their tenure is so insecure, that there is always the likelihood of their reaping no personal benefit from the improvement. There are no actual hindrances save insecurity of property, the native dislike to innovation, and the smallness of the cultivating population.

JERUSALEM.

Consul Moore.

Answers to Queries.

1. None, 1863-4.

2. None, 1863-4.

3. None, 1863-4.

4. March.

5. About 20 lbs.

6. September.

7. The common ploughshare; no cleaning machine in use.

8. None.

9. Upon beasts of burden the cost of transport about 2s. 6d. the cwt. to the port of Jaffa, from which *vide* returns.

10. Advances are made to planters by merchants and brokers to the amount of about two-thirds of the real value of produce, retaining the remaining third by way of interest.

11. Tithes.

12. No exceptional facilities are offered, but the Pacha informs me, in reply to my representations to his Excellency on the subject, that he is about to take measures for that purpose.

13. No report.

Answers to Supplementary Queries.

1. No report.

2. Without irrigation.

3. There are tracts of land suitable for cotton planting on either bank of the Jordan, but the insecurity in those regions renders them unavailable, there are also extensive plateaux and plains, but these are only used for growing grain. The general character of the soil is clayey, population about 200,000.

4. Several thousands of the peasantry would be so available. The land is principally held by small proprietors.

5. There are two modes of remuneration, namely in kind or by wages. Under the former system one-third of the produce is given for labour. Wages are at 1s. 6d. per diem.

6. No report.

7. The tithes are farmed out by the Local Government to private individuals, who are frequently guilty of abuses in their collections.

8. This not being a sea-port there is no regular custom-house.
9. None exist.
10. Jaffa, from which *vide* replies.
11. No report.
12. The country is not visited by locusts.

General Remarks.

Very little is done in cotton culture in this district, the small quantity grown from indigenous seed being of an inferior quality. Yet it is believed that in many parts of the country cotton to a large extent might be successfully cultivated. What is wanted are security against the depredations of the Bedouin tribes, better and cheaper means of transport than the actual use of beasts of burden over wretched roads, exotic seed, —and instruction and implements supplied to the peasantry. The writer omits no opportunity of urging the Turkish authorities to promote, and encouraging cultivators to undertake, the culture of cotton. The representations to the authorities have had some success—as stated in answer to Query No. 12.

DISTRICT OF JAFFA.

Consul Kayat.

Answers to Queries.

1. 5,290 acres, 1863 ; 31,700 acres, 1864.
2. A very small quantity, 1863 ; about 5,000 okes, equal to 13,750 lbs., but was not all used by the growers, 1864.
3. 12,270 cwt., 1863 ; 73,700 to 85,900 cwt., 1864.
4. March and April,
5. About 50 lbs.
6. September and October.
7. Nothing but the old primitive plough of the country.
8. At present both English and American gins (worked by hand) are used. Two English steam engines to work gins have just been introduced. There are one hydraulic press and five hand screw presses for packing bales, which are usually made up of 120 to 150 okes, equal to 330 to 412 lbs. each.
9. Camels convey the cotton to Jaffa at a cost of 8s. per load, for a day's journey. The cotton is all brought to Jaffa, and thence shipped to England and France.
10. Some growers take money in advance from merchants for a fixed quantity of cotton in return ; but the system is decreasing much, as the growers are getting rich.
11. The land belonging to certain villages pays a fixed tax every year ; other lands not under this category pay the tithes or fifth part of the produce. Furthermore, 5 per cent. duty is paid on exportation.
12. A small quantity of cotton seed was distributed free to some villages. The regulations that were heard to have been issued by the Porte in regard to the commutation of the tithes for a fixed assessment on old lands, and a suspension of tithes for five years in the case of waste land being applied to cotton culture, are not yet in force in the district.
13. No return.

Answers to Supplementary Queries.

1. From 260 to 300 lbs. of clean cotton per acre from indigenous seed. From 520 to 620 lbs. from exotic seed.
2. Without irrigation.
3. Very difficult to ascertain accurately. The soil is rich and fertile, of a deep and soft mould. The population of the cotton growing districts, comprising Jaffa, Ramla and Gaza (of which latter Jaffa is the only exporting port), is roughly estimated at 55,000 fellahin, or peasantry. The extent of land suitable for cotton is estimated at 90,000 acres (*i.e.*, exclusive of land appropriated to corn, &c.), of which only 31,700 acres are under cultivation.

4. About three-fourths of the population. The ownership of land generally speaking on the whole is held nearly equal in proportional parts to the number of the inhabitants of each village, with some exceptions. The sheikhs or chiefs of villages generally own a larger tract of land than the rest.

5. Ploughmen get from landowners one-fifth of the produce of the land they work. Boys for picking and weeding receive from 4 to 5 piastres a-day, equal to $8\frac{1}{2}d.$ to $10\frac{1}{2}$ per day.

6. From 120 to 150 okes, or equal to 330 to 412 lbs.

7. Collectors or farmers of the tithe take one-fifth of the produce, and the peasantry are obliged to bring the produce into town to the collector's store at their own expense. As to villages which pay a fixed land tax per annum, the collector goes round to receive the same.

8. The customs' duty on exportation is 6 per cent. for the year 1864, but according to the new tariff the duty will be diminished by 1 per cent. every succeeding year, until it arrives at a fixed duty of 1 per cent.

9. The ginning factories and presses now here belong to local merchants, consisting of English and American gins worked by hand, and a set of gins are about to be worked by steam-power. Native hand gins are still used.

10. Jaffa is the only port of embarkation for the cotton growing districts of Jaffa, Nablous, Ramla and Gaza. The cotton is stored into the merchants' magazines and shipped on board in lighters.

11. No particular measures in regard to Bozook. The owners of cattle committing depredations have to make good the damage done.

12. None. Fortunately this part of the country is not infested by locusts.

General Remarks.

The crops throughout the country are in a promising condition, and it is the general opinion, from the extent of the land planted, that this year's crop will be six or seven times as much as that of 1863, insomuch that it is estimated at 25,000 to 30,000 bales, of about 400 lbs. each. What is chiefly worthy of note is that, could the prejudice overcome that the native growers have to use exotic seed, and the substitution of exotic for indigenous seed take place, no doubt the nature and quantity of the yield would be materially improved, for, from proofs drawn from land sown with American and Egyptian seed, the yield was more than twice as much per acre, even without irrigation, than land sown with indigenous seed, besides being fine, white, silky, and long in staple, whereas cotton from indigenous seed is of short staple. The prejudice that the native growers have against using exotic seed arises, firstly, from their innate disinclination for innovations; secondly, because they labour under a false impression that the seed distributed by the Government has been with some sinister design to increase the impost on the produce; and, lastly, because the present high prices pay them so well that they do not care about troubling themselves with experiments. However, it is hoped that the advice given to them will sooner or later have the desired effect. Furthermore, another defect is that the natives sow the seed too close in the furrows, and they do not thin the plants, nor do they prepare or plough the land sufficiently previous to sowing. They use no harrow or hoe for covering the seed; scraping and weeding is seldom thought of, and it is rare that they plough the land after the plants have come up; yet the soil is so rich and productive, and so admirably adapted for cotton, that, in spite of the primitive and careless way of cultivation, a comparatively large quantity of cotton is produced. In conclusion, I suggest that it would be very desirable for a few European experienced planters to come and settle here, and show or set the example of the mode of sowing cotton, &c., and they themselves would reap advantage.

Jaffa, August 26, 1864.

DISTRICTS OF CAIFFA AND ACRE.

Vice-Consul Sandwith.

Answers to Queries.

1. 4,100 acres, 1863 ; 16,000 acres, 1864.
2. None, 1863 ; 1,500 lbs., 1864.
3. 1,190,000 lbs., 1863 ; 4,300,000 lbs., 1864.
4. The end of April.
5. 90 lbs.
6. October and beginning of November.
7. The primitive plough common to the East. The cleaning or ginning machine is of native manufacture, worked by a wheel turned by the foot, and turns out about $2\frac{1}{4}$ lbs. of clean cotton per hour.
8. In addition to native gins, a steam ginning factory is shortly to be set up here, which is to clean 4,000 lbs. a-day. Some American gins and several Platts also exist at Acre. There is one hydraulic and one screw press for packing.
9. The backs of camels, horses and donkeys, which means of transport costs 1*d.* a mile per cwt ; Marseilles is the destination of two-thirds of the crop. The rest is sent to Smyrna for subsequent transhipment, and a little to England.
10. Money is sometimes lent at from 24 to 40 per cent., but usually oxen and seed are furnished to the cultivator too poor to possess them, on conditions quite as onerous as the above rate of interest.
11. To the tithe, amounting to one-fifth of the money value of the crop.
12. No positive facilities, the peasants not having, as a rule, availed themselves of the Government gift of Egyptian seed, while the immunity from taxes for five years promised to those who should grow cotton on waste lands, remains inoperative from the scarcity of labour.
13. No return.

Answers to Supplementary Queries.

1. From 280 to 300 lbs.
2. Without irrigation.
3. About 200 square miles are suitable for cotton. The low lands lying near the Bay of Acre are best adapted, being a deep black loam. The population there may amount to 8,000 souls. The great plain of Esdrælon is also well adapted, but the population is very scanty, perhaps 4,000 souls.
4. 50,000, including women and children above ten, though not exclusively available for cotton cultivation, other crops demanding their care. The land belongs to the crown, and is held entirely by small tenants. There are also a few small landed proprietors.
5. One-fifth of the produce of the soil tilled by the labourer is reckoned as his remuneration, which he receives in kind, though much of this is filched from him by his employer and the tithe gatherer. Money wages are never given.
6. 130 okes, or 374 lbs.
7. One-fifth of the value of the produce is the amount of the tithe payable in money, which is the only tax raised on cultivated land. This is paid in six bi-monthly instalments.
8. No particular regulations obtain here. An export duty of 15 paras the oke ($\frac{1}{4}$ *d.* per lb.) is levied on cotton destined for Europe, and 20 paras if for other ports in Turkey.
9. They are admitted free of duty.
10. Acre and Caiffa. There is plenty of storeage room, but the facilities for embarkation are deficient from the want of proper landing places and cranes.
11. Each village has one or more watchers to keep cattle off the plantations. If by Bozook are meant the country police, they are not charged with such duties.
12. No locusts have visited this district for sixteen years.

General Remarks.

Up to this date (the 12th of August) the state of the crops is all that could be desired, except in the narrow maritime plain commencing from the promontory of Carmel, and running some ten or fifteen miles south. Cotton had not been cultivated there within the memory of man, and a tradition existed that the soil was not favourable to its development. The present high prices for cotton, however, was a bait not to be resisted, and tempted the peasantry to devote about 2,000 acres to that crop. It gave every promise of success until the arrival of the season of efflorescence, at the end of July, when the flowers began to fall off prematurely. I rode along that plain the day before yesterday, and gathered, both from observation and from the opinions of the farmers, that only one-third of the crop will come to maturity. I have, in consequence, deducted 400,000 lbs. from the expected produce of the growing crop of 16,000 acres. The farmers attribute this failure to what they call the "strong" soil, its nature being a rich friable loam, producing heavy crops of wheat. At any rate, the tradition above-mentioned is justified by experience. The hope is, however, yet entertained that fresh flowers may appear, and be succeeded by the pods. It is not probable that there will be increased production in future years, if, as is anticipated, the present high prices suffer a considerable decline. Indeed, in that case, the production is likely to fall off. It cannot be said that any hindrances to the cultivation of cotton are experienced except those connected with the general questions of (1) the primitive state of agriculture that prevails, (2) the local mal-administration of Government, and (3) the law preventing Europeans from holding landed property. It is encouraging to find that the crops produced from Egyptian seed wear a most promising appearance, having survived the critical period of efflorescence, and there is no doubt that, if they ripen favourably, the prejudice, at present so strong against exotic seed, will die out.

Caiffa, August 12, 1864.

ASIA MINOR AND ALEPPO.

DARDANELLES.

Consul Callander.

Answers to Queries.

1. 2,800 acres, 1863 ; 14,000 acres, 1864.
2. 50,000 lbs. Egyptian, 1863 ; 8,400 lbs., origin New Orleans, 1864.
3. 840,000 lbs., 1863 ; 5,880,000 lbs., 1864.
4. Beginning of April to middle of June.
5. 140 lbs. sown broad-cast.
6. Middle of September to end of October.
7. Native wooden ploughs, drawn by a pair of oxen or buffaloes. The "svadona," a wooden or brush harrow used for covering seed and pulverizing surface of soil. Short light hand hoes—a "chulka," a large drum of cane-work turned by a handle, for separating the leaf from the pods before ginning. A "chikirik," a small wooden roller hand gin with a wheel. One woman cleans about 14 lbs. per day, but the staple is damaged by it.
8. The cultivators gin their produce at home with their cheap but primitive apparatus. There is a ginning factory worked by steam-power at Gallipoli, with hydraulic press attached. There is a press at the Dardanelles, and a few hand gins, but it is said that several ginning factories and hydraulic presses will be immediately established at the Dardanelles and Maitos, if, as understood, the duty on cotton pods has been abolished.*
9. The crop is brought to the ports of embarkation from the places of production by camels, mules, horses, carts drawn by oxen or buffaloes, and lighters coastwise. The cost of transport is from ($\frac{1}{4}$ d.) or farthing per lb. for the longest distances, down to a mere fraction, as a good deal of cotton is grown close to the ports of embarkation. About one-fourth of the crop is shipped direct for the United Kingdom, one-half to France, and the remainder to Smyrna.

* This has been done. A second steam-power ginning factory has been established, consisting of one Emery's saw gin and ten Macarthy roller gins, worked by a 6-horse engine.

10. By the laws of Turkey no sale or assignment of growing crops by a cultivator is recognized in the local courts of laws. This is intended as a protection to the agriculturist against improvident disposal of his produce; but, the risk of the capitalist being thereby greatly increased, the terms for such transactions become doubly onerous to the agriculturist in need of advances. The terms are generally for forward delivery of produce at a fixed rate, or at a discount under the market price at the time of delivery. The cultivation of cotton requires more outlay of ready money than that of other produce.

11. The Government tithe of 10 per cent. is levied in kind on the crop of cotton as on all other produce. There is no land tax, unless the "verghi" be assessed on property. On exportation a duty of a farthing per lb. is levied on cotton.

12. None. The professions made by the Government of being desirous to encourage cotton cultivation, and the regulations framed for that purpose, are considered illusory, as every obstacle is put in the way of those who attempt to avail themselves of them.

13. A price of 6*d.* per lb. is remunerative. A cwt. of clean cotton can be grown for 33*s.* The value of the cotton of this district, in July 1864, at Liverpool 25*d.* per lb.

Answers to Supplementary Queries.

1. On good soil about 620 lbs. Average 400 lbs.

2. Without irrigation and without fertilizers.

3. In Province of Bigha—population 100,000; land suitable for cotton, 250,000 acres; land available, 40,000 acres; soil, argillaceous loam. In districts of Gallipoli—population 250,000; land suitable for cotton, 200,000 acres; land available, 20,000 acres; soil light argillaceous loam. Several islands.

4. The land available for cotton cultivation is held principally by small proprietors; about 9-10ths of the adult male and female population are engaged in agriculture, and the majority of these hold land.

There are about 30,000 pair of draught oxen and buffaloes.

5. Labourers on large farms when hired by the year receive about £10 per annum and their rations. But the usual practice is to engage labourers under the Metayer system, when they receive one-half of the net produce for their labour. The pay of day labourers is from 1*s.* 6*d.* to 2*s.* per diem. Of women for field work from 10*d.* to 1*s.* 2*d.* per diem. Of a labourer with plough and pair of oxen from 3*s.* to 3*s.* 6*d.* per diem.

6. Bales at the Dardanelles weigh net about 100 okes, or 2½ cwt. At Gallipoli 88 okes, or 2¼ cwt. Bags at Dardanelles and Maitos from 80 to 100 okes, or 2 to 2½ cwt.

7. The tithe is levied in kind, 10 per cent. of the produce of pods is levied in Anatolia, and of clean cotton in Roumelia. The "verghi" is paid in money by instalments. The assessment of it is left to the inhabitants, who do not adopt the same basis of taxation, and it is therefore in one village a land tax, a cattle tax, or an income tax, or a combination of these, according to the basis adopted by the people of each village.

8. On arrival at a sea-port, a duty of about one farthing per lb. is levied on cotton entered for export to foreign countries, and of 3-8ths of a penny per lb. on that entered for internal consumption. The duty is often levied at inland places. A duty of about one farthing per lb. has been levied on cotton pods on conveyance from the village of its production—this was equivalent to a duty of 1*d.* per lb. on clean cotton. It is said that the Porte has within the last few days abolished the duty on pods.

9. None. The duty on cotton pods hitherto levied, and other measures of the custom-house with respect to everything connected with the cotton trade, have entailed several losses on the owners of ginning factories and presses in Turkey.

10. The Dardanelles, Gallipoli, and Maitos. The Dardanelles is the principal port of embarkation. These ports are amply provided with stores, wharves, lighters, labourers, &c.

11. The local authorities have issued a proclamation prohibiting the practice of allowing cattle to stray after the grain harvest, under penalty of damage for trespass, &c. The guarding of the crops against depredations is left entirely to the cultivators themselves.

12. When locusts make their appearance, the local authorities oblige the whole population of the villages near the spot to collect and destroy these insects. A small

flight of these insects was destroyed this year near Gallipoli by this means, without having done any material damage to the crops. There are no locusts in any other part of this district.

General Remarks.

The cotton crops in the whole of the district have been favoured with propitious weather, and the yield is expected to be above the average. The cultivation of cotton has not this year interfered in a material degree with the raising of other produce. Since 1862, when the cultivation of cotton was confined almost exclusively to a few villages in the Thracian Chersonesus, it has spread rapidly to many other localities, and there is no doubt that it will increase immensely in future in every part of this district, as those who have engaged in it prior to this year, have by experience found that cotton is the most remunerative article of production. The stimulus caused by the enormous profits realized by cotton cultivators, with the prospect of their recurrence, cannot, for many years to come, cease to act upon the cultivators and encourage them to continue to devote their attention to the culture of cotton. There are no direct hindrances experienced by cultivators; but some of the grievances complained of by those engaged in the trade, ought to have been redressed promptly by the Government, for they thwarted ginning enterprise, and thus virtually prevented a superior staple being produced at a less cost. The cultivation of Egyptian cotton has been almost entirely abandoned this year as the climate is not suited to this kind. The value in Liverpool of the small quantity produced was from $27\frac{1}{2}d.$ to $29d.$ per lb. The New Orleans quality (from seed procured from Serres) has been sown this year by three influential cultivators. The crop bears a fine appearance, and is being watched with great interest by the natives. They place most reliance on the indigenous produce which is of short staple, but clean, bright, and strong.

Dardanelles, August 3, 1864.

BRUSSA.

Consul Sandison.

Answer to Queries.

1. In town district of Balukissar for example:—

In 1863, 13,430 denumes; in 1864, 27,988 denumes.					
Canton of Bobad	„	330	„	1,151	„
Kepsond - -	„	1,460	„	3,630	„
Ayarma Tchandarli	„	502	„	7,657	„
At Kirkagatch and Somma, wonted chief places of growth, only 4,000 denumes left free for increase in 1864.					

} $4\frac{1}{3}$ denumes to the acre.

2. But little, in right time, in 1863. 27,000 okes=74,250 lbs. New Orleans in 1864. Of this last quantity, 25,000 okes were distributed by Achmet Vefyk Effendi, at Brussa, and 2,000 okes only at Balukissar, owing to deception practised then by an English Cotton Company in selling rotten Sea Island seed.

3. No return to be had for 1863. 90,000 kintals of 44 okes, or 66,000 bales of 60 okes= $1\frac{1}{2}$ cwt. each bale. The produce of 1863 chiefly passed through Smyrna, whence an estimate of it could best be furnished. That for 1864 was an approximate framed in November, but from the adverse weather the clear product might fall considerably short.

4. April and May, but rather the latter, and seed, which from wet and cold did not come up, was even successfully replaced here in June.

5. At Balukissar it was usual formerly to employ 8 okes of native per denume, but this has been reduced to one-fourth, being $8\frac{2}{3}$ okes=24 lbs. per acre, which is the general medium, especially for New Orleans—for native, sown broad cast, often more.

6. Commences in September and continues through December, as the weather permits—frosts are not found injurious, the pods afterwards opening all the same.

7. The rude implements handed down from antiquity, save English ploughs, horse hoes, &c., on some few properties. The native cleaning machines are alike rude; but gins preferred, and most in vogue.

8. Here three Macarthy gins are being worked by water power, and a number of saw gins making; but found to cut the staple of the cotton, therefore for those who perceive this defect are objectionable. More good gins have also come. Gins also are in use at Ghivé and in Balukissar Sanjiak, and a packing press introduced at Kirkagatch, near Smyrna.

9. From Balukissar to Panorama (near 40 miles). This is by mules chiefly at 14 paras (40 to a piastre) per oke, coming to 2s. 6d. per cwt. To Smyrna usually $\frac{1}{2}$ piastre per oke, or 3s. 8d. per cwt. Camels and rude carts drawn by oxen are also used, and the expense from hence to the coast is about 14 $\frac{1}{2}$ d. per cwt. The destination of the cotton is England, France, Trieste, and Italy, but now chiefly England.

10. None other than that of native merchants and monied parties to defray the expense of culture, and then afterwards half the product with the cultivators.

11. Cotton is subject to no other tax than the the tithe of 10 per cent., as common to all others products, and generally taken in kind after an approximate estimate on the field. The farmer pays his fixed taxes besides.

12. Waste lands broken in and planted with cotton are exempted from tithe for a term of years, according to the imperial edict published. The Porte has also furnished quantity of American and Egyptian seed gratis, the later partly unserviceable.

13. Before the civil war in America, cotton was habitually raised in the adjacent sanjiak to sell here at piastres 6 to 7 per oke, in deteriorated currency so found suitable, now making 4 $\frac{3}{4}$ d. to 6 $\frac{3}{4}$ d. per lb., but it is computed by some cultivators that the culture with English implements, and from New Orleans seed, would be profitable at the price of 4d. to 5d. per lb.,—as I consider true.

Answers to Supplementary Queries.

1. The average from native seed in such case is from 290 to 360 lbs. per acre. From New Orleans seed instances near to this are reported of 720 lbs. per acre, but 500 lbs. would be counted a very good crop.

2. This depends on the locality and nature of the season.

3. No data exist to compute the total area. All arable land, when irrigable as required, is in general suited for cotton. The soil is varied schistous at Kutahia—the rest light and sandy, clayey, and alluvial, as combined in this sanjiak with much of the alluvial the most fertile. The population of the entire province including Balukissar or Carassi Sanjiak may be taken at or near 800,000 souls.

4. The vast majority of the population is rural, and probably with immigrant Kurds, &c., and women who do field work, the available laborers may amount to 300,000 persons. The land is chiefly held by small proprietors. There are also a good many estates of 100 to 200 acres. A few up to 1,000 acres, larger are very rare, except government lands, in great part uncultivated.

5. Payment in money with and without maintenance; the rate of wages for men was last year 11d. to 22d. per day without keep—for women, as weeders, and picking cotton, 4 to 5 piastres, or 9d. to 11d. per day.

6. Hereabouts usually 60 okes, or 1 $\frac{1}{2}$ cwt., unless expressly packed for France, then 78 okes, or near 2 cwt., what goes to Smyrna by camels weighs 130 okes, or 3 $\frac{1}{4}$ cwt. the bale.

7. The cotton tithe is generally taken in kind, by estimate on the field. That on grain also frequently in kind. Fixed taxes always in money.

8. To receive the duty according to tariff regulated by treaty, on shipment of the product for exportation.

9. Every facility desirable for such purposes.

10. Ghio, Mundania, Panorma, Deghili, and Smyrna (for Ghivé and other cotton of Nicomedia Sanjiak, that port and Karamonsal), all having means more or less convenient for storeage and shipment of the goods.

11. Bozook regulations are unknown by that name in this quarter, nor are there any for the special protection of cotton fields from depredations of cattle. The cultivators must take their own precautions, and may sue and recover damages by law for trespass when provable.

12. Their visitations have been rare for many years. When they occur there are no standing rules for a riddance other than collecting and destroying some of the eggs. a measure always very imperfectly executed, if not uselessly attempted.

General Remarks.

Owing to the cold and rain in May much of the seed planted did not come forward, and was partially replaced. Later a heavy inundation beyond known precedent, attended by a southerley gale, left the ripening plants near to this but mere stalks, only those from New Orleans seed resisting. Then a continuance of wet at intervals protracted the picking, and much of the crop was gathered damp and deteriorated in quality. The same was more or less general throughout this part of the country, though to a partial extent in the Balukissar territory, and detrimental at Ghivé, a considerable place of growth beyond the district. Very superior cotton has been raised from New Orleans seed at Mihalitz and the adjacency; but the crops in prospect there, according to a report sent me were reduced by two-thirds in the aggregate expected. The product then, with that in our vicinity (but little of it yet cleaned), is estimated at 1,800 to 2,000 bales. Notwithstanding the casualties from an adverse season, such has been the satisfactory result from New Orleans seed, which is in great demand, that landowners, where they can, are preparing to increase cotton culture this year many fold, and there is reason to conclude, taking the average run of seasons, that Brussa will, in common with the rest of the province, become a considerable contributor to the general supply

Extract from a Despatch from Consul Sandison to Sir H. Bulwer.

Brussa, August 20, 1864.

For the further encouragement of agriculture and other industry, two roads already commenced were to be made, which, however, there appears no likelihood of at present, one from Balukissar to Panorma, at which latter place a harbour or pier was being constructed, which the engineer engaged to have ready in October. At Balukissar the Commissioner had built two extensive stone warehouses, each 300 yards square, for a cotton dépôt, and inclosed a space of 41,500 square yards for a cotton fair to be opened on the 15th October. The agents of the houses of Garrett and Ransom were encouraged by his Excellency to form agencies there for the sale of their implements, which had commenced to the extent of 12 cotton gins and 10 ploughs. A large steam ginning establishment has already been erected with 18 Macarthy gins and a press. At Ghivé also a steam ginning establishment exists, with 8 Macarthy gins and 1 saw gin. He had further given encouragement, with a licence from the Porte, for two establishments at Kirkagatch, for presses and gins to be worked by steam.

In the sub-districts of Somma and Kirkagatch, where the culture of cotton is habitual, it had been carried so far that only about 700 acres were left free for its extension this year. But in the sub-districts of Balukissar and others named it had been more than doubled, extending over 28,000 denums, or about 6,000 acres, at Balukissar, in lieu of 2,800 acres last year, so as to give a surplus product in cotton, I reckon of about 870 bales of 170 lbs. each in that particular locality. It was much regretted that a cotton company at Constantinople, founded in England, had sold at Balukissar, at 8 piastres the oke, or 6½d. per lb., a quantity of American seed so rotten, or decayed from age, as not to germinate. This seed is said by the Company's agent to have been supplied by the Cotton Supply Association. The Company's agent had, however, he says, to induce a trial, offered the seed gratis before they knew it was rotten, and even that failed to induce growers to experiment with a seed they had so far no knowledge of; but a very small quantity of good that was sown came up well, and produced very good cotton, so that now people are more anxious to obtain it. Egyptian seed, however, thrives much better, and the whole district would be well capable of producing a good class of Egyptian cotton. Whence people had been so much discouraged as to believe that the climate was unsuited for foreign seed. And thus the Commissioner with all his exhortations had been able to distribute only 2,000 okes, or 5,500 lbs. of it there, in addition to 2,500 okes, or 6,875 lbs. at Brussa, even gratis, which, with all expenses, had cost 5 piastres the oke, or 4d. per lb. He felt assured, however, that if supplied with 30,000 okes, or

near 40 tons of New Orleans seed at Panorma by March next, he could get the whole of it planted. He is disappointed at finding that an association in England, spoken of for the encouragement of cotton culture, had not directed its attention to three of the first districts in Turkey for the growth—Karassi or Balukissar, Kodgea Ili, or Nicomedia and Brussa.

Achmet Vefyk Effendi, fully appreciating the great importance of cotton culture, has made its extension a primary object in combination with his other measures of amelioration; and there would be real and vast progress in the country, if other functionaries of the Porte, according to their sphere and influence, would alike devote their energies to the same end, and with equal resolution, impartiality, and disinterestedness.

SMYRNA.

Consul Cumberbatch.

Answers to Queries.

1. 29,000 acres, 1863; 53,750 acres, 1864.
2. 300 cwt., 1863; 294 cwt., but arrived too late, 1864.
3. 43,000 bales, or 180,000 cwt., 1863; 101,000 bales, or 303,000 cwt., 1864; exclusive of Adana, &c.
4. From April to end of May.
5. 50 to 60 lbs. per acre; but great waste is incurred by sowing broad-cast. Drills are much required.
6. From August to end of October.
7. In general the ancient description of agricultural implements, both for tilling the ground and cleaning the cotton.
8. In most districts the women are employed for ginning with the old description of wooden machines. In a few villages and at Smyrna, some steam-ginning machines have been introduced, but the Turkish population are opposed to the erection of these machines.
9. The transport is effected by camels chiefly, but sometimes by the railway, the cost is about 1s. 4d., 1s. 6d., and 1s. 10d. per cwt., according to distance, and the usual destination is Smyrna.
10. None by the Government. When the cultivators require more money they borrow it at a very high rate of interest, at 40 and 50 per cent. from merchants, who receive their principal and interest in kind.
11. The tithe is fixed at 10 per cent. The valuation is fixed by Commissioners appointed by Government, as well as by other cultivators of the soil.
12. The only assistance rendered by Government has been to distribute seed gratis, although somewhat late, and to allow ginning and pressing machines to enter free of duty.
13. From 8d. to 9d. per lb. of clean cotton with an average crop.

Answers to Supplementary Queries.

1. In best soil 4 cwt. of cleaned cotton. In most districts 2½ cwt.	
2. Without.	
3. Aivali, and adjoining districts	62,000 Acres
Soil sandy loam, and some very strong (Population)	220,000
Aidin	80,000 "
Soil sandy	105,000 "
Cassaba	33,000 "
Soil sandy and strong	27,000 "
Baindir	10,000 "
Soil sandy and stony	20,000 "
Magnesia	20,000 "
Soil sandy and stony	27,000 "

Total 205,000 acres.

(Population) 399,000

4. Labourers are very scarce, and consequently demand high wages. It is impossible to discover the amount of labour available. Much comes from the interior and Bulgaria. The land is owned chiefly by rich proprietors in some districts, and in others by small farmers.

5. Some labourers receive 2s., 2s. 6d., and even 3s. per diem. Some are hired yearly at £12 and £15 per annum, with food and clothing. Some share the net produce with the proprietors.

6. A bale is generally from $2\frac{1}{2}$ to 3 cantars, or 2 cwt. 2 qrs. 22lbs. to 3 cwt. 0 qr. 27 lbs., but of course this depends upon the skill of the presser.

7. Government sells the tithe to the highest bidder at auction. The tithe is paid sometimes at the place and sometimes at Smyrna. The purchaser of the tithe obtains it as he is able from the cultivator.

8. The custom-house authorities allow the cleaned cotton to pass at the same rate as seed cotton (from which is deducted 60 per cent., and 75 per cent. is deducted from that with seeds and pods). All pay about 3s. 10d. per cent. net.

9. The Governor-General obtains the certificates of the mudirs declaring that there is no plausible objection to the erection of the factories, &c., and permission is granted. The lower Mussulman population is opposed to their erection, both in the villages and at Smyrna.

10. Smyrna only. There are many khans, and several recently erected, and ware-houses and quays, also large barges for shipping.

11. No efficient measures have been adopted to regulate Bozook. Every village and district have their own guards.

12. Orders were sent by his Excellency Cabouli Pacha to every mudir to compel the peasants to assist in the destruction of these insects during the spring, and many thousands of cwt. were destroyed, and much benefit was derived by those energetic measures.

General Remarks.

The crops in some districts, viz., Menemen and Cassaba, are very good, but the ground is very superior, and much American seed has been sown in the former; but the general crop is considered below an average crop. In many localities cultivators were obliged to sow twice and even three times; later on the plant was attacked by a small coleoptera grub, which injured the first shoots; but, as the plant had time to make more numerous shoots, it is supposed that the crop has been much improved by this novel mode of heading; it will therefore remain to be seen whether the process of heading under some circumstances should not be adopted to strengthen the plant. It is generally supposed that the cotton ground will be much extended next spring. The cultivators are much annoyed in some districts by continual exactions made by vagrant individuals, and no protection is afforded them. A good rural police is much required, as well as an establishment for small loans at moderate interest, to enable the lower classes to cultivate successfully. The present price of cotton is about piastres 1,010 per kintal, or about 1s. 4d. per lb. The districts of Menemen, Cassaba, and Ouschak appear to be more prolific than the other districts. Much land has been sown this year quite unfit for cotton. The districts of Adalia, Adana, Tarsous, &c. are not within the pashalic of Smyrna, but I am informed that they will not produce more than 30,000 bales this year, although it was anticipated that about 120,000 bales would have been the result of this year's crop. This great falling off took place about the middle of August, when these districts were visited by the same description of grubs as those which attacked the plant in this district; but, as the climate is much hotter, and the attack on the plants much later than in this district, they had no time to shoot afresh, and consequently the crop will not be above one-fourth of what it was formerly estimated at.

Smyrna, September 3, 1864,

Extract from Commercial Report of Belgian Consul-General; dated Smyrna, November 30, 1864.

Aidin.—Great hopes had been entertained of cotton; great quantities of it having been sown in the province. Up to the month of July, indeed, everything seemed to promise an abundant and rich harvest; but the badness of the weather ruined the most

natural hopes. On the one hand, the excessive canicular heat, on the other the floods of rain, which came at the moment that the buds were reaching maturity, reduced both the quantity, and injured materially the quality. However, notwithstanding these unfortunate mishaps, the cotton, owing to the high prices which rule, will leave profits sufficiently good, not only to encourage the planters to persevere in its cultivation, but also to improve its production. From henceforth it is proved that in this province the American seed succeeds perfectly. Besides the old methods employed in this country for cleaning cotton, four steam engines, called gins, working day and night, are no longer sufficient for the demands of the trade, and it is probable that a much greater number of these engines will be set up next year. Let our manufacturers take the hint. I should add, however, that the English have established at Smyrna, a rather large depôt of these engines, both hand and steam, and that they dispose of them at tolerably reduced prices.

ADANA, MARASCH, AND ALEPPO.

Acting Consul De Heidenstam.

Answers to Queries.

1. 310,000 acres of 1863, comprises Adana, Marasch, and Aleppo; 745,000 acres of 1864, comprises Adana, Marasch, and Aleppo also.
2. 57,000 lbs. of Egyptian, and 1,300 lbs. American, 1863; no Egyptian, very small quantity of American, 1864.
3. 42,000 cantars, equal to 212,500 cwt., 1863; 43,000 cantars, equal 215,000 cwt., 1864.
4. Middle of March to end of April (not irrigated). Till middle of June in irrigated lands.
5. 40 to 45 lbs.
6. Whole month of October. Crops gathered in pods.
7. Small ploughs, ploughing barely 3 inches into the ground. Large baskets of split reeds for cleaning pods from dust and mud.
8. Ginning factories have been established quite lately in Adana. Hydraulic presses exist at the ports of embarkation, Alexandretta and Mersyna, for pressing before shipping.
9. Mersyna and Alexandretta. The rate of carriage on camels, is on an average of 50 piastres from Adana to Mersyna, 75 from Aleppo, and 100 from Marasch to Alexandretta, per bale.
10. Two systems exist. 1st, The rich townsman advances a small sum to the village cultivator, for the purchase of oxen and agricultural implements, and furnishes the seed, and receives a portion equal in value to the sum advanced, the remainder being equally divided. 2nd, The rich proprietor defrays all the expense of cultivation, and receives three-fourths of the crop, one-fourth remaining to agriculturist for his labour.
11. 10 per cent on the crop, paid in kind, or its countervalue in money.
12. None.
13. 2,000 piastres per quintal,* or £3 11s. 6d. per cwt., at Aleppo, free of tithe, but still liable to customs' duty if exported, besides carriage to the port and shipping charges.

Answers to Supplementary Queries.

1. 30 to 35 okes per acre (oke equal to 2½ lbs.)
2. Both. Principally without irrigation.
3. Neighbourhood of Marasch and plains of eastern slope of Mount Amanus, population 55,000. Vicinity of Aleppo, banks of Euphrates and Orontes, population 100,000. Plains of Cilicia, Adana, and Tarsous, population 12,000, dark rich fertile soil, mostly irrigable. Neighbourhood of Edlib and Mount, dry argillaceous soil; not irrigable.
4. It is impossible to give an exact estimate of the amount of labour available for cotton cultivation. The whole of the agricultural population 200,000.

* Perhaps cantar of Syria, upwards of 5 cwt.

5. From 10 to 20 piastres per diem (£ sterling=111 piastres.)
6. About 100 okes= $2\frac{1}{2}$ cwt.
7. The tax is collected by Government officers before the crop leaves the village where grown and still in the pod. In some parts of this district an additional duty of $\frac{1}{2}$ per cent. is levied when the crop is brought to town.
8. The export duty on cotton is under the Treaty of 1861, 5 per cent. *ad valorem* this year, and is to continue decreasing at the rate of 1 per cent. per annum, until it reaches 1 per cent. The official value of cotton fixed by the tariff of 1861, was naturally based on the prices of that year, the 5 per cent. duty is therefore in reality very much less.
9. None. Except that no importation duty is levied on ginning machines and presses imported.
10. Mersyna and Alexandretta. Common warehouses. At Alexandretta, there is one, and at Mersyna two wharves.
11. None whatever.
12. An attempt was made to destroy them when in seed by obliging every agriculturist to deliver to the authorities a certain quantity of locust ova, gathered in his fields, or pay an equivalent in money. The crops suffered considerably, nevertheless, last year. This year they travelled away to the west before the cotton crops had been much damaged.

General Remarks.

Cotton cultivation has increased very considerably in this part of Syria, and it may safely be stated that the surface of land sown with cotton this year is more than double that sown last year. The cultivation of sesame seed, castor oil plant, and rice has been entirely abandoned, and replaced by that of cotton. In the pachalic of Adana, however, a species of worm has appeared on the cotton plant, resembling a small silkworm, which has very considerably damaged the crop, having destroyed, it is calculated, about two-thirds of the pods. Thus, last year 283,000 acres of land sown produced 70,000 bales of cotton; this year, although 700,000 acres were sown, it is hardly expected that the crop will reach more than from 60,000 to 70,000 bales. In the pachalics of Aleppo and Marasch the crops are very promising, and the produce is calculated at 15,000 or 16,000 cantars (about 80,000 cwt.), nearly three-fifths more than that of last year. The great obstacle to the extension of cotton cultivation in this district, as all over Syria, is that applicable to agriculture in general, namely, the want of security from the inroads of the wandering tribes, both of Bedaweens and Turcomans. Cotton crops, however, remaining longer in the ground are exposed to greater risks. The agriculturists in all the villages bordering on the desert are obliged to pay large sums, as black mail, to the Bedaween tribes, to save their crops from destruction, while vast tracts of fine arable land all along the banks of the Euphrates, easily irrigable, and still bearing traces of ancient cultivation, are now lying waste.

SYRIA AND THE ISLAND OF CYPRUS.

SYRIA.

Consul-General Eldridge.

Answers to Queries.

1. 25,140 acres, 1863; 53,000 acres, 1864.
2. 22,000 lbs., 1863; 62,750 lbs., 1864.
3. 3,975,000 lbs., 1863; 8,900,000 lbs., 1864.
4. On the coast of Syria, April and beginning of May. In Island of Cyprus, June, to avoid locusts.

5. About 55 or 60 lbs. Much depends on the locality and nature of the soil.
6. The end of September and month of October.
7. The agricultural implements in use are all of the rudest description. A few improved European gins have been recently introduced. Most of the cotton, however is still cleaned with native hand gins.
8. Besides the gins above-mentioned, hydraulic and screw presses exist at most of the ports of shipment.
9. Cotton is entirely transported from the interior to the sea coast on pack animals, at a cost of about 1*d.* per cwt. per mile. Up to the beginning of the present year the greater part of the cotton procured in Syria was exported to France, but this year has been sent to England, chiefly by steamer to Liverpool.
10. Advances are frequently made by native and foreign merchants, on very onerous terms to producers.
11. The customary tithe exacted upon all agricultural produce. There appears to be no fixed rule as to the manner of its collection.
12. The gratuitous distribution of seed. The exemption from duty of all implements for the cultivation of cotton and machinery for the cleaning of cotton. The remission of all taxes for five years upon all waste lands reclaimed for the cultivation of cotton.
13. Taking into consideration the present prices of labour, from 6*d.* to 8*d.* per lb. would be remunerative.

Answers to Supplementary Queries.

1. About 300 lbs. of clean cotton.
2. Irrigation is seldom in the cultivation of cotton in Syria, but in the Island of Cyprus it is partially employed with great success.
3. Scarcely any land under cotton cultivation exists in the neighbourhood of Beyrout, and it is impossible to give an estimate for the whole of my consular district, either of the quantity of land or the population.
4. In so large a district it is difficult to give even an approximate estimate of the labour available, but its want is universally complained of. Where the land is not the property of the Government, it is pretty equally divided between large and small proprietors.
5. Either in kind at the rate of one-fifth to one-eighth of the produce, or in money at the rate of from 1*s.* to 1*s.* 6*d.* per diem, according to the districts.
6. Unpressed from 70 to 100 okes, equal from 182 to 275 lbs.; pressed from 140 to 150 okes, equal from 385 to 412 lbs.
7. In some districts the tithes are collected in kind, in others in money. There appears to be no regular system.
8. The tariff of 1862.
9. Machinery for ginning only is admitted free of duty. Presses pay duty according to the usual rates.
10. Latakia, Tripoli, Sidon, Acre, and Caiffa for Syria, and Larnaca for the Island of Cyprus. Cotton is sometimes brought by coasters from the southern ports for shipment by steamers from Beyrout. None of these ports offer facilities for storage, except the magazines of private merchants. On the whole coast of Syria there are no safe ports, so that vessels lie in the open roadstead, and the cargoes are conveyed to them in small open lighters, containing about 4 or 5 tons, which are loaded by men wading up to their middles in water. Beyrout will be better than the other ports in this respect, as it will soon possess a sheltered custom-house wharf with cranes.
11. The plantations seem to be generally unprotected.
12. In Syria this plague has not been known for a great number of years. Mr. Acting Consul Lang gives a detailed account of the steps taken for their destruction in the Island of Cyprus.

General Remarks.

Owing to the large quantity of land that has been planted with cotton, in consequence of the high prices for that staple which have lately prevailed in England, the crop for the present year appears to be very abundant, and to promise a yield of more than double that of last year. Cereals have been necessarily neglected, so that with more cotton we have less corn, and the latter is in consequence higher in price than

it was last year. There appears to be a general want of water for irrigating the crops, which, according to Mr. Acting Consul Lang at Cyprus, would be immensely increased were they regularly irrigated. Not only the cultivation of cotton, but agriculture in general would be much improved and increased were the cultivators to be better protected by the Government, those from the south of Syria from the incursions of the nomad Arabs, and all from the unjust exactions of tax-gatherers and petty governors. Were Europeans allowed to hold land, there is no doubt that a greatly improved system of agriculture, with better implements, would soon be introduced, as it would be impossible for the natives to compete with European cultivation without adopting some of its improvements. The arrival of advices of a great fall in the price of cotton in England and France has lately given rise to considerable apprehension among those engaged in the purchase of this article in Syria.

Beyrout, October 12, 1864.

ISLAND OF CYPRUS.

Acting Consul Lang.

Answers to Queries.

1. 16,460 acres, from statistics compiled by local Government, 1863; 22,000 acres, supposititious, 1864.
2. 22,000 lbs, no reliable statistics, 1863; 55,000 lbs, no reliable statistics, 1864.
3. 2,200,000 lbs., of which 300,000 lbs. consumed in the island, 1863; 3,000,000 lbs., 1864.
4. Delayed until beginning of June, in consequence of presence of locusts till that period.
5. Broad-cast, 50 to 55 lbs. Where planted in furrows, 37 lbs.
6. End of September till middle of November.
7. All native. No success has attended the introduction of foreign implements, nor likely to do so, unless wrought by Europeans, at least for some time.
8. A British firm established last year a small ginning factory fitted with Platt and Richardson's 40-inch double action Macarthy gins. This year more factories of the same nature are likely to be started. There are also in Larnaca two factories of four saw gins, each wrought by steam, and three of one saw gin, each wrought by mule power. In the interior of the island there are six or seven saw gins wrought by mule power. In Larnaca there are three hydraulic and two screw presses, two more of the former kind and of considerable power will be added this year.
9. Transport is chiefly performed by camels, and very costly. Very little cotton was shipped to England until 1862, the crop being usually exported to Marseilles and Trieste. In the season of 1862-63, the shipment of cotton to England, directly and indirectly, amounted to 58,011 lbs. In 1863-64, up to this date, they have risen to 887,000 lbs.
10. An agency of the Imperial Ottoman Bank is the only institution specially adapted to afford banking facilities to merchants, who in their turns are in the habit of making advances to cultivators to secure their produce.
11. A tax of 10 per cent. upon the produce. Formerly the tithes of the island were leased, but this year a new system is introduced, whereby the Government levy the tithes directly from the villagers upon the basis of those paid by each village during the past three years. Justly administered, this system will be advantageous to agriculturists.
12. None in practice.
13. Last year the cost of cotton to the cultivator might be reckoned at $5\frac{1}{2}d.$ per lb., but this year wages and rental have risen fully 100 per cent, therefore under ordinary circumstances (supposing wages and rental to return to the ratio current previous to this season) $6d.$ per lb. would be a remunerating price, but for the crop now growing, $12d.$ per lb. would be required.

Answers to Supplementary Queries.

1. The best cotton lands under irrigation will produce 340 to 450 lbs. of clean cotton per acre. The best cotton lands without irrigation, 90 to 110 lbs., and lands of the Plain without irrigation, 50 to 70 lbs. per acre.

2. Answered above.

3. No statistics exist to enable me to state exactly the quantity of land suitable for cotton, but it is greatly in excess of that now under cultivation. The general character of the soil is very fertile. The population of the island is estimated at 200,000.

4. It is impossible to say exactly what amount of labour is available for cotton cultivation, but there is a great scarcity of labourers for agricultural purposes generally. The land is fairly shared by large and small proprietors.

5. Wages of agricultural labourers range from 6 to 8 piastres per diem (equal to 13*d.* and 18*d.*). For cotton planting, hoeing and picking, women are chiefly employed, whose wages this year are nearly equal to those of the men, but in ordinary years seldom exceed the half.

6. The unpressed bale averages 90 okes, or 250 lbs. Bales pressed for shipment, average 140 okes, or 390 lbs.

7. Formerly the tithes of the island were leased, but this year a new system is introduced, whereby the Government levy the tithes in money directly from the villagers, upon the basis of those paid by each village during the past three years. Justly administered this system will be advantageous to agriculturists.

8. The custom-house being now administered for Government account, the regulations of the tariff are strictly adhered to.

9. Machinery for ginning cotton is admitted free of duty, and this is the only facility afforded for the establishment of ginning factories. Duty is, however, levied upon cotton presses, and no facilities are granted for their establishment.

10. Larnaca is the only port from which cotton is shipped. No facilities for storage are supplied, nor indeed necessary, and the means for embarkation are very imperfect from the want of quays.

11. No report.

12. Energetic measures have been taken by the Government of this island, with a view to the destruction of locusts, whose ravages are severely felt. A contribution is levied upon each male adult in the island of one kilo of locust eggs. A system invented by a Mr. Mattei for the destruction of the insect previous to its flight has also been successfully put into operation, but the limited population at command makes it impossible to do more than lessen the evil.

General Remarks.

Up to the present time the weather has been most propitious for the crops, and they promise to prove both abundant and good. Stimulated by high prices, cultivators have this year largely extended their plantations: much of the soil, however, thus forced into cultivation will succeed only partially. The increased production of good qualities is dependent upon the increase of the means of irrigation. There are in the island few streams and no rivers, but yet in every part of it water is abundantly found by digging wells. According to scientific examinations of the island, there is every probability (even amounting to a certainty) of success in digging artesian wells; and when water here is esteemed of equal value with the soil, it is evident how vastly remunerative the boring of artesian wells would prove. Pumps are also required to supersede the clumsy native systems of raising water; but, both in regard to artesian wells or the introduction of pumps, it is absolutely necessary that the Government make the first efforts, for neither have native cultivators the knowledge requisite nor adequate means to undertake these enterprises alone. On their part, the local Turkish administrations have no engineers capable of rightly guiding them in these matters, and I would respectfully suggest the sending to this and other parts of the Turkish Empire an engineer of skill and capacity to examine into such wants and report to the Government and the public; it would be furthering, in the most important way, the cultivation of cotton, and the equally essential point, its improvement in quality. Upon such information the local administrations could act with confidence, or private enterprise combine to accomplish the works of irrigation declared practicable by the surveyors. A fresh supply of American cotton seed is very necessary.

Larnaca of Cyprus, August 5, 1864.

Extract from Commercial Report of Belgian Consul-General, dated Smyrna, November 30, 1864.

Under Venetian rule, Cyprus exported annually 30,000 bales of cotton, or 3,500,000 kilogrammes (7,700,000 lbs.), at a time when the use of this material was much less spread than now. The island would be able to produce from 25,000,000 to 30,000,000 kilogrammes (55,000,000 to 60,600,000 lbs.) of cotton, and in order to do so it would only be necessary to open to foreign commerce the port of Famagouste, which has been closed to it since 1570.

This port is situated in the midst of the most fertile districts, and those most fitted for the cultivation of cotton, and is the natural port of the island; it would, indeed, offer incalculable advantages and an immense economy in time and cost of carriage, over that of Larnaca, to which produce can only arrive by the most expensive means, by long, and often impassable roads. It is true that the port is in a state of very great dilapidation, but it would seem that its restoration is most easy, and that with very little expense, considering the immense advantages which would arise from it, it might be made one of the best ports in the Mediterranean.

DAMASCUS AND BAALBEK.

Consul Rogers.

Answers to Queries.

1. 1,000 acres, or feddans, 1863; 3,000 acres, or feddans, 1864.
2. 4,000 rottles Egyptian, 6,000 native, 1863; no foreign, for following reasons, 1864.
3. 36,000 lbs., 1863; 180,000 lbs., 1864.
4. April.
5. Ten rottles per feddan, or one day's ploughing, which is of greater or less extent according to circumstances, but it is the only basis on which a calculation can be made.
6. October.
7. The common Oriental plough. The simple wheel for cleaning is worked by hand, or by the foot.
8. There are none. The implements are of the most primitive kind and there is literally no encouragement for Europeans to introduce improved machines.
9. There is a carriage road from Damascus to Beyrout, but from Baalbek most of the produce is taken to Beyrout on camels or mules.
10. Yes. But the Government has been endeavouring to prevent it.
11. There is an order that the first few years cotton should not be taxed, but it does not come into operation, as the villages are liable to a fixed sum whatever they may sow.
12. The promise that cleared land should not be taxed (if sown with cotton) for five years, and that implements for the cultivation and cleaning of cotton should be imported free of duty.
13. It is very difficult to fix a price, but I think that 8*d.* per lb. would leave a small margin.

Answers to Supplementary Queries.

1. 60 lbs. weight of net cotton per feddan, which varies from half an acre to an acre.
2. With irrigation.
3. In the district of Baalbek about 4,500 feddans of land are suitable, being a rich loam and capable of irrigation. Population about 600 souls.
4. In Baalbek the land is all Government property, it is consequently divided between the individual villages according to their ability to cultivate.
5. Men labourers, 6 or 8 piastres a day women about half that sum.
6. The bales for exportation are made up in Beyrout, cotton is sent there in sacks of about 150 lbs. each.

7. Soldiers are sent by the authorities, unless the sheikh takes the money to headquarters at the stated times.
8. The customary duties are paid in Beyrout.
9. Their admission into the country duty free.
10. Improvements are being made in Beyrout.
11. None.
12. Happily we have had no locusts for several years past.

General Remarks.

There is a great increase in the cultivation of cotton; the crops look healthy. In 1863 the peasantry suffered serious losses from the cultivation of American seed. They had sown it before the end of the spring rain, so that it rotted in the soil; they then ploughed again and sowed afresh. The plants came up well, but the autumn rains set in before the pods were ripe, and consequently the whole crop was lost. The native plant, which is of smaller growth, does not require so long a time to come to perfection, so they sow no other kind of cotton. The failure from this cause may perhaps be peculiar to Baalbek, where the climate is cold, owing to the close vicinity of Mounts Lebanon and Anti-Lebanon. European settlers ought to be encouraged to come out and erect model farms for the cultivation of cotton; the natives would benefit by example.

Damascus, September 13, 1864.

LATAKIA.

Vice-Consul Grierson.

Answers to Queries.

1. Unknown, 1863-4.
2. None, 1863; 600 okes, of $2\frac{3}{4}$ lbs., 1864.
3. 200,000 okes, of $2\frac{3}{4}$ lbs., 1863; 400,000 okes, 1864.
4. From middle of April to middle of May.
5. From 30 to 60 lbs.
6. October.
7. A one-handed wooden plough with wooden mould board and wooden boulder tipped with iron, scratching the surface 2 inches deep, cleaned by 2 rollers, one of wood, one of iron turned by the foot like a spinning wheel.
8. Two pressing machines, one from France, one from America equal to pressing 100 okes of $2\frac{3}{4}$ lbs. avoirdupois. A machine by Dunlop, Manchester, to be worked by steam, having 8 gins has been erected this last winter, and is now ready for use.
9. Camels, mules, and donkeys with back loads to the port, there being no roads. For export, English, French and Russian steamers in sufficiency. Usual destination Marseilles and Liverpool.
10. Advances are occasionally made by the merchants, but there is no system.
11. Taxes are collected in kind on the field by the farmers who take one-eighth of the crop.
12. This sowing season they distributed Egyptian seed, the greater portion of which, say three-fourths, were not sown but given to the working bullocks, owing to the farmers believing that irrigation was necessary for it, and that crop came in a month later than their own seed of bad kind.
- * 13. 5*d.* per lb. avoirdupois.

Answers to Supplementary Queries.

1. 65 okes clean cotton.
2. Without irrigation.
3. Three-quarters of the arable portion of district rich, dry, and fertile. One portion deep red clay. Two, deep white heavy clay. Three, friable and rich.
4. From 100,000 to 120,000. By large proprietors, the plains of great extent. By small proprietors the mountains.

5. When in kind, the eighth of produce in harvest, and when in money, from 5 to 6 piastres a day, ordinary work.
6. 100 okes Constantinople, equal 275 lbs. avoirdupois.
7. The taxes are farmed. They are levied on all crops, draught oxen, sheep, goats and horses, and tell very heavily upon the population.
8. The new tariff.
9. Their importation is allowed free of duty.
10. Only one port, that of Latakia. Government gives no facilities whatever.
11. None whatever, and cattle depredations are a continual source of controversy and ill blood, even village fights.
12. There are no locusts.

General Remarks.

The cotton crop this year is excellent, promising to give a greater yield than did that of 1863. There has also been an increase of surface sown under cotton in 1864, say three-quarters more, or perhaps twice as much. Other crops have been sacrificed, and therefore wheat and barley are 25 per cent. dearer now than in former years. There has also been a considerable quantity of virgin soil turned up. The soil and climate of this district are highly favourable for the production of cotton; *e.g.*, an acre of ground in Latakia district sown with a certain quantity and quality of seed, has always given cotton greater in quantity and superior in quality to the same quantity of ground sown with the same quality of seed in the surrounding districts. The small quantity of Egyptian seed sown has so far turned out so well that all now regret not having sown what was given them, and are determined to make use of it next year. Seeing that it does not require irrigation, the population is sufficient. Hindrances:—The total ignorance of agriculture, defective agricultural implements, defective cotton cleaning implements, and, above all, the dog-in-the-manger policy of the Government, who care not themselves to remedy these hindrances, and will still prevent others, not being their subjects, from doing so; *e.g.*, the Cotton Supply Association offered me, three years since, all necessary implements gratis; the Syrian Relief Society would, I have reason to believe from their letters, have provided me with funds, provided I could have land on good title, and my answer was, "Against the law; Europeans can't hold land."

TRIPOLI.

Vice-Consul Mercer.

Answers to Queries.

1. Not much, 1863; 100,000 Constantinople okes planted, 1864.
2. Very little foreign, 1863; Government distributed to cultivators, 1864.
3. Insignificant, and sold in the district, 1863; 50,000 okes, 1864.
4. April, from 1st to 20th.
5. An acre (called feddan in Arabic) can be sown with 50 okes.
6. From 1st September to 15th of October.
7. No particular instruments used in the cultivation, and production is not sufficient to enable them to import instruments for cleaning.
8. It is pressed by the hand, and there is in the town a wool press which is used.
9. The sea transport is from 7 to 9 francs the 100 kilogrammes to Marseilles according to agreement, and boats to put it on board cost 2 piastres the bale. By land the cost is about 5 paras an oke per day. Usual destination Marseilles.
10. None.
11. The tax is on the land, and cotton pays duty at the custom-house according to the tariff.
12. Government allow the free entry of instruments necessary for the cultivation.
13. From 10 to 12 piastres an oke.

Answers to Supplementary Queries.

- 1.
2. In both ways, but most without.
3. It is impossible to define the quantity of land. All the plains watered or not are capable of cotton cultivation. District of Tafita and Akar particularly.
4. There are plenty of labourers. Mostly small proprietors.
5. Labourers are not paid, they get the third or fourth part of the produce, according to contract.
6. About 60 okes to the bale.
7. Government collects the taxes by the mudirs and heads of villages, each pays what he owes.
8. On entry, cotton pays duty according to tariff.
9. They are let in duty free.
10. The Mina of Tripoli. None.
11. No report.
12. Locusts are collected and burnt by the people and by the soldiers. Not been any for a long time.

General Remarks.

The production will be increased if prices remain as they are (not lower), and if Government will provide seed at the rate of 50 okes per feddan (or acre), and will protect the plantations. Let Government furnish seed to those who require it, at a fair price, and without the intervention of people who want to make a profit by it. When all this is done, merchants will import the necessary implements, as then they will have something to work upon.

SIDON.

Vice-Consul Abela.

Answers to Queries.

1. 1,000 acres, 1863 ; 7,000 acres, 1864.
2. 1,500 lbs. Egyptian, 1864.
3. 30,000 to 35,000 lbs., 1863 ; 300,000 to 350,000 lbs., 1864.
4. Latter part of April.
5. 30 to 35 lbs.
6. October.
7. Only those of the most ancient and rudest description.
8. The gins are of native manufacture. No packing presses whatever are found.
9. For transportation camels and other animals. Cost of transportation about 1*d.* a mile for every 100 lbs. One-half of last year's crop was consumed in the country, and the remainder exported chiefly to France.
10. Advances are made this year of 1*s.* 2*d.* per pound, but such advances are not favoured by the authorities.
11. No tax is levied on the crop, other than the usual land tax levied on all crops.
12. The Government admits implements free of duty, and remits for five years the taxes of waste lands reclaimed for cotton cultivation.
13. 8*d.* per lb.

Answers to Supplementary Queries

1. 45 to 50 lbs. of ginned cotton per acre.
2. Without irrigation.
3. About 300 square miles of our district are suitable for cotton cultivation. The soil is mostly alluvial, but in the mountains it is a mixture of white and dark, or limestone and iron. The population of the region alluded to is about 35,000.

4. About 10,000 persons, including women and children, can be employed in cotton cultivation. The land is mostly property of the Government.

5. The wages of a man are from 12*d.* to 16*d.* per diem, and those of women and boys half as much paid in cash.

6. There is no standard for the weight of bales.

7. The taxes are collected in instalments during the summer through the local governors, and are paid in cash.

8. The commercial treaties and the tariff connected therewith, constitute the regulations of the custom-house. The officers of the customs are practically independent of the local authorities.

9. The only facility afforded is the remittance of customs on imported machinery and implements.

10. Sidon is the only port in our district. Plenty of storeage. Few facilities of embarkation.

11. No special measures have been taken in this regard.

12. Our district has not been visited by locusts for many years.

General Remarks.

The present crop, favoured by late spring rains, is unusually promising; at present prices a large increase may be expected. The chief hindrance is the opposition of the Turkish authorities to the enterprise of foreigners desirous of engaging in agriculture, while the natives are incapable themselves of introducing the necessary improvements.

TURKEY IN EUROPE.

EPIRUS.

Consul Stuart.

Answers to Queries.

1. 55 acres, 1863; 274 acres, 1864.

2. 5,500 lbs., 1863; 20,000 lbs., 1864.

3. 18,000 lbs., 1863; 180,000 lbs., 1864.

4. Middle of April to middle of May.

5. 90 to 100 lbs. last year, from 15 to 20 lbs. probably in future.

6. August.

7. Native ploughs, hoes, and harrows. Cleaning cotton by hand picking, aided by a clumsy instrument made in the country.

8. One gin, and no facilities for packing.

9. Mules or horses. Destination Corfu.

10. None.

11. To the tithe only.

12. The only facility seed at half price, or about 3½*d.* per lb.

13. Raw 5*d.*, if cleaned 1*s.* 5*d.* per lb.

Answers to Supplementary Queries.

1. From 600 lbs. to 800 lbs. per acre expected this year from some plantations on Plain of Arta.

2. With irrigation.

3. Plain of Arta 12,000 acres. Plain of Musakia 40,000 acres. Population of Arta 10,000. Population of Musakia 13,000. Both plains are alluvial, mixture of lime and sandstone. Possess abundant means of artificial irrigation.

4. Population in proportion to extent of land small and sparse, about 250,000 agricultural. Land principally held by large proprietors.

5. Four piastres, or 9*d.* a-day for men. Three piastres, or 7*d.* for women. This is the rate in the rural districts. In or near large towns it is higher.

6. Such a thing as a bale of uniform weight is not known in Epirus. The little cotton that was for the first time exported last year was packed in sacks of different weights.

7. The tithe on cotton is paid in money, and when the crop is gathered three-tenths of it in kind are set apart in lieu of rent for the proprietors of the land.

8. Cotton without the seed may be exported on payment of 6 per cent.* *ad valorem* duty. Machines, implements, or tools for the cultivation, packing, or preparation of cotton may be imported duty free.

9. None whatever as yet. One small ginning machine was last year sent to Arta by Mustafa Pacha for his own use. The other proprietors use small wooden machines of country make, which cannot clean more than 6 or 7 lbs. of cotton per day.

10. Salahora and Prevesa for the Plain of Arta, Avlona for the Plain of Musakia. At Prevesa storeage might be found and embarkation effected directly on board from the quays. At Salahora and Avlona there is no storeage and as the water is shoal in shore it would be necessary to convey the cotton to the anchorage in small boats.

11. The plantations are well fenced and ditched round, and as the crop approaches maturity there is a watchman continually on the ground, day and night.

12. Locusts rarely visit these parts.

General Remarks.

In 1863 cotton cultivation was for the first time tried in Epirus, and although on the whole the experiment ended in failure, yet the partial success obtained was sufficient to inspire confidence in the undertaking, and to stimulate to greater exertions this year. The experiment of 1863 was chiefly made by persons who possessed no knowledge of cotton as a plant, of its properties, requirements, or even in some instances of its uses. With an habitual aversion to innovation they tried it partly under the pressure of persuasion or constraint, partly in a vague hope of exaggerated profits at but little cost of money or labour. Working without guidance or direction, they prepared the ground with carelessness, put in the seed when the season was too far advanced, wastefully sowing it broad-cast, and altogether neglected the necessary operations of weeding and artificial irrigation. The consequence was that from nearly 6,000 lbs. of seed brought into the country, not more than 20,000 lbs., or thereabouts, of new cotton was obtained. This year considerable progress has undoubtedly been made. The lands destined for cotton fields were carefully prepared, the seed was put in the ground in the right season, the plant to the present time has been tended and helped in its growth, artificial irrigation has been introduced on the Plain of Arta, and the result of these measures will, it is confidently expected, be such as for the future to constitute cotton a staple production of the country. The attempt made last year to raise cotton in the north of the province was a total failure. Karaman Pasha, who has large estates in the neighbourhood of Berat, rightly judging the causes of this failure, has this year secured the services of four experienced cotton growers from Salonica. He has sown 120 acres with Egyptian seed, and has ordered a gin from Constantinople. As to irrigation, he trusts entirely to the rain, but, should the result of this year's attempt be encouraging, and accounts to the present time are favourable, he may be induced next year to embark capital in providing the means of artificial irrigation, should it be found that there exists a necessity for it. Except the scarcity of hands, there are no hindrances in this country to the production of cotton which private industry and enterprise may not surmount. The Plains of Arta and Musakia, which offer the most favourable grounds, being perfectly level, transport to the seaboard might be rendered easy by the introduction of bullock waggons, which in fine weather could easily work even on the present imperfect roads. I think that gins, hand-gins at least, will gradually find their way here to a limited number at private cost. But the establishment of pressing machines, and there ought to be one for the Plain of Arta, and another for the Plain of Musakia, would involve an outlay in which, in the present infant state of the cotton movement here, the private enterprise or speculation of the country would be afraid to venture. If the Government

* The export duty is now 5 per cent. *ad valorem*.

will not make advances on this account, it remains to be considered if foreign capital might not safely and properly be invested in the establishment of hydraulic machinery. My opinion on this point is affirmative, with the necessary provision that the direction and management of the operations be confided to trustworthy efficient hands. But in order to give cotton cultivation in Epirus an extension proportioned to the capabilities of the soil, the primary consideration is to provide an increased number of hands. How this is to be accomplished is a question of no common difficulty. The easiest solution of it that occurs to me would be the introduction into the country of a few hundred Bulgarian peasant families.

Janina, August, 9, 1864.

THESSALY.—LARISSA AND VOLO.

Vice-Consul Suter.

Answers to Queries.

1. 6,500 acres, 1863; 25,000 acres, 1864.
2. 2,000 lbs., 1863; 17,250 lbs. :—7,250 American, 4,000 from Greece, 6,000 Egyptian, most of which last proved to be worthless, 1864.
3. 550,000 lbs., 1863; from 1,650,000 to 2,750,000 lbs., 1864.
4. Middle of April to end of May. Best time is after rain, towards close of April.
5. 48 to 66 lbs. broad-cast, regular sowing half that.
6. End of September to early in November.
7. Native ploughs, hoes, and harrows, hand picking.
8. Trial of Macarthy gins did not answer. Arrangements now are in progress for effective ginning machinery in several convenient localities. Three of Peel's hydraulic presses are now at Volo.
9. Horses and mules, each carrying 3 cwt. Nearly all taken by French steamers from Volo to Marseilles. Average freight, 56-100ths of 1*d.* per lb.
10. No. Proprietors and cultivators seek advances on good security at 15, 20, and often 25 per cent. per annum. Branch of Imperial Ottoman Bank much wanted.
11. Tenth in kind, or upon market value at the time of gathering. Export duty, at present, 28-100ths of 1*d.* per lb.
12. None whatever in Thessaly, unless may be so considered a gratuitous distribution of Egyptian seed, which was mismanaged and turned out worthless.
13. Prices, prior to American war, 4*d.* to 4½*d.* per lb.

Answers to Supplementary Queries.

1. From 180 to 200 lbs. of clean cotton.
2. Without irrigation No appliances have been yet introduced.
3. Armyro takes the lead. Plains of Larissa, Ayah, Tirnovo, Tricala, and Cardizza, exclusive of waste, contain an aggregate of 50,000 acres, suitable for cotton. Soil is alluvial. These districts contain the largest portion of the agricultural population of Thessaly, estimated at 100,000.
4. All agricultural labour is done by the "chiftgee," or peasants attached to each chiftlik or farm, to each from 10 to 100 families, on average composed of five working male and female individuals. For cotton the males till, prepare, and sow the ground, all other work connected with its culture is performed by the women. For the most part land is held by large proprietors.
5. The chiftgee families on each farm or estate receive free seed from landlords, give their labour, and (according to agreement) take one-half or two-thirds of all produce, the rest remaining to the landlord. In almost all the chiftliks salaried labourers called "parayos," are employed, receiving £7 5*s.* to £10 18*s.* annual wages from landlord, who takes the whole produce of their labour. Occasional labourers, hired only for extra work when harvest is being gathered in, receive from 1*s.* 6*d.* to 2*s.* 3*d.* a-day; borne by the landlord, if the work be for his benefit, or equally between him and chiftgees when for joint advantage.
6. Hitherto from 50 to 60 okes equal to 137 to 165 lbs., having been always unpressed.
7. Agents of the farmers of the "oushoon," or tithes, are placed in every village

near to the cotton fields, and exact their dues as the produce is gathered in, and very often in an arbitrary manner.

8. The "hara gumrook," or overland customs, levy a charge on the passage of each load from the villages on its entry into Larissa or Volo. The charge is trifling, but the system entails abuses and vexation. The Porte has not yet kept a promise made to abolish this system. The export duty generally is levied at entry into or shipment from Volo.

9. None hitherto. Arrangements are now in progress for getting up efficient ginning machinery at Armyro, Larissa, Tirnovo and some other convenient localities. Three of "Peels" hydraulic presses, capable of turning out each 30 bales daily, have just been completed at Volo, for account of a British merchant.

10. All exported produce must be shipped from Volo, the only good port in Thessaly. There are sufficient facilities for storeage. There are no wharves, and the water near shore is too shallow to admit approach of vessels of any size. Merchandise for landing must be sent off to ships in lighters.

11. It is the custom to place watchers from the villages in all the cotton, tobacco, and sesarne fields, and in the vineyards, to prevent any depredations, and it is found to be sufficiently effective. These watchers are either intrusted in care and returns of the crop they guard, or are remunerated by wages and a share in the produce gathered.

12. When they appear most of the population of each district turn out with sheets and cloths which attract, and enable the capture and destruction of these insects. In some localities when practicable without danger to standing crops the grass land they frequent is set fire to. The authorities sometimes give a premium for quantities brought in to them,

General Remarks.

Early in the season the young plants in some districts suffered from attacks of locusts, but active measures were adopted everywhere to correct the evil, and generally the injury from them has not been serious. In other respects the growth of the crop, so far, has been much favoured by weather, and at present its appearance in all directions is reported to be most promising. Besides the impediments to permanent increased production referred to in No. 13, may be noticed: 1st, no special facilities or encouragements being afforded by Government; 2nd, difficulties and high cost of land transport, owing to absence of good roads; 3rd, attempts at improved and extended culture being restricted by want of capital. As respects the 1st, the talk of cession of Government waste lands rent free, and the suspension for a term of years of the levy of tithes, never has been realized. Well adapted waste lands abound, and, as heretofore, remain untilled and neglected. The system of farming and selling the tithes of the whole province to the highest bidders, who in their turn refarm and resell at a profit to other speculators the subdivisional portions of the several districts, remains unaltered, and, in practice, continues to be productive of infinite abuses, injustice and, vexation to the trader as well as the grower. With regard to the 2nd, a project is reported as being entertained, of employing the troops in road making, a project which might be advantageously acted upon. As relates to the 3rd, it would appear that the Imperial Ottoman Bank at Constantinople, is establishing branches or agencies in most of the principal places of commercial importance throughout the empire. Such branches or agencies, at Larissa and at Volo, are most desirable for the encouragement of agriculture and commerce, and the adoption by them of a system of advances upon property and on produce, which might be effected with unquestionable safety, and would afford immense facility to the agricultural, mercantile, and general interests can be urged as being calculated, more than by any other means, to aid the extension and improvement of cotton culture, and the promotion and development of the many productive resources of this province.

Larissa and Volo, August 15, 1864.

MACEDONIA.

His Excellency Akif Pasha, Governor-General.

Consul Wilkinson.

Answers to Queries.

1. 50,000 acres, 1863 ; 140,000 acres, 1864.
2. 8,000 cwt., chiefly American, 1863 ; 40,000 cwt., all American, 1864.
3. 90,000 cwt., 1863 ; 350,000 cwt., 1864.
4. Beginning of April to end of May.
5. On an average 45 lbs.
6. Native from 15th September to end of October ; New Orleans ten to fifteen days earlier.
7. Very primitive ploughs and hoes, English and American gins, and imitations of them by native workmen.
8. Ginning factories by steam, water, and horse power now being established at Salonica, Serres, Orfano, Cavalla, and other localities. Hydraulic and screw presses already at Salonica, Cavalla, and Orfano.
9. Pack animals. Cost of carriage of 260 lbs. from 1½*d.* to 3*d.* per mile.
10. Advances from merchant in anticipation of crop. Government endeavours to protect cultivators from hard bargains. Sanction of the local authorities requisite under strict conditions.
11. Tithe and land tax. Tithe commuted in 1861 for five years, an advantageous arrangement for cotton cultivators. Land tax 4 per mille on estimated value of all landed property.
12. None, beyond the gratuitous distribution in 1863 of a small quantity of Egyptian seed, and the admission, free of duty, of agricultural implements and machinery.
13. Before 1861 6*d.*, per lb. would have been highly remunerative. Since cotton has increased, and price of labour augmented, 8*d.* per lb. would leave but small profit to the grower.

Answers to Supplementary Queries.

1. In some cases an acre has yielded as much as 600 lbs. of clean cotton. Average, not more than 350 lbs. of clean cotton.
2. Without irrigation. Irrigation being but seldom employed, and not much required.
3. In the plains, watered by the rivers Vardar, Strymon, and Karasee, and in the Vale of Strummitza, covering collectively a superficies of about 3,000 geographical square miles, the soil is alluvial, the rest of the arable lands, about 2,000 geographical square miles, consist chiefly of red and black argillaceous loams and silicious soil, all of which are more or less suitable for cotton. The population of Macedonia is 800,000.
4. The rural population amounts to 580,000. Women and children work in the fields as well as the men. The land is held by large and small proprietors in proportion of three to two.
5. In the chiftliks, or farms, the proprietor gives the land, and the peasantry supply the labour, and the produce is equally divided between both parties. The peasants are attached to the farms, and as they are not allowed to leave them without their landlord's consent, their condition is somewhat similar to that of serfs. The communal peasantry, who own small portions of land, cultivate it themselves, but when they, or the peasants of chiftliks require additional labourers, the rate of wages usually paid for a good labourer is 1*s.* 4*d.* a day.
6. 48 okes net, equal to 136 lbs.
7. They are paid in five instalments, the first is made in August, and the last in January following.
8. The duty is paid on the goods being shipped.

9. Every facility is allowed. By a recent order of the Porte the difficulties hitherto existing in regard to ginning factories have been completely removed.*

10. Salonica, Cavalla, and Orfano. All these ports possess excellent facilities for storage. The goods are shipped by means of lighters.

11. The Governor of Salonica has lately given orders that the cattle should not, as heretofore, be allowed to wander at liberty in the fields after harvest; and that if in contravention of these orders the cattle commit any depredations in the cotton fields, the owners should be liable for the first offence, to a fine equivalent to twice the amount of the damage done.

12. The Turkish authorities throughout this Consular district took the most energetic measures for the destruction of locusts. Akif Pasha, Governor-General of Salonica, was first to set the example, by visiting in person localities where the greatest number had appeared, and by offering a reward of a few piastres for every oke of locusts collected. 600,000 lbs. weight of locusts have been brought in and paid for at Salonica. When collected they were so small that 5,200 of them weighed 1 lb. They would have committed frightful ravages, Akif Pasha's conduct deserves the highest praise, for he had to contend against numberless difficulties from prejudices of Christians and Mahomedans who consider it sin to destroy locusts.

General Remarks.

Although, speaking generally, the crops, owing to the lateness of the spring, seem rather backward, there is no doubt that they present this year as compared with the last, a far more promising appearance. In the plain watered by the Vardar, and in the districts of Auret, Hissar, and Strummitza, the production of cotton might easily be increased perhaps tenfold. In the old cotton districts of Serres and Drama, however, where the area under cotton this year is fifteen times as large as it was in 1861, the scarcity of labour is so great that it precludes all hope of increased production, unless perhaps the introduction of improved agricultural implements should in some degree compensate for the scarcity of hands. Another hindrance to cotton cultivation is the scarcity of horned cattle used for ploughing and other agricultural purposes. The murrain which prevailed in this province in 1862-63, and which lingers still in some localities, carried off thousands of horned cattle. It might not be out of place to mention here a circumstance connected with this cattle disease, which may perhaps lead to the discovery of a remedy for its prevention or cure. In the chiftlick or estate of Yanis, 18 miles from this town, there are two mineral springs one of which is evidently ferruginous, the other is an acidulous spring, containing probably (there being no one here to analyze its waters) carbonic acid, and is known in the vicinity by the name of the "sour spring." The cattle of Yanis, consisting of about 500 head, drink at both these springs, and as they have constantly, during the prevalence of the murrain, enjoyed a perfect immunity from disease, it is highly probable that this singular exemption was entirely due to the medicinal properties of the waters, the more so as the mortality among the cattle was nowhere greater than in villages and farms surrounding the estate of Yanis.

ADRIANOPLE.

His Highness Mehemet Pasha Kiuprisli, Governor-General.

Vice-Consul Blunt.

Answers to Queries.

1. 3,610 acres, 1863; 7,100 acres, 1864.

2. 75,000 lbs. Egyptian, 3,031 lbs. American, 1863; 96,000 lbs. Egyptian, 33,000 lbs. American, 1864.

3. 410,000 lbs., 1863; from 700,000 to 800,000 lbs, 1864.

* Her Majesty's Embassy at Constantinople have lately had several complaints of the difficulties now in the way of people desirous of erecting cotton-ginning factories.

4. April.
5. 90 to 100 lbs; broad-cast, 28 lbs. drill.
6. September to late in October.
7. Rude, clumsy, and inefficient. The gins injure the wool. Clean about 16 lbs. in 12 hours, at $1\frac{1}{2}d.$ per lb.
8. None exist.
9. Bullock waggons to Rodosto, or to Enos in rafts by River Maritza—
Cost to Rodosto, 2s. 3d. to 3s. 6d. for 130 lbs.
" Enos, 1s. 9d. to 2s. 1d. for 150 lbs.
10. Cultivators borrow in anticipation of crop. Interest, nominally 2 per cent. a month, but in reality above this rate. Small sums secured by liens on the crop; large sums by transfer of title deeds to the lender.
11. Tenth of crop commuted to a fixed assessment. This assessment is very advantageous to cultivators, if crops are full and prices high.
12. Exotic seed has been gratuitously distributed to the growers, and the tithe is suspended for five years, in the case of waste lands applied to cultivation.
13. Usual price of raw cotton at Adrianople before 1861. was $5\frac{1}{2}d.$ to $7d.$ per lb. It may be grown at about $4\frac{1}{2}d.$ per lb.

Answers to Supplementary Queries.

1. In districts of Adrianople 300 to 320 lbs. In districts of Uzun, Kinpru and Dimotica, 420 to 435 lbs.
2. Without irrigation.
3. There are large tracts of pasture and waste lands that can be easily reclaimed in the districts of Adrianople, Uzun, Kinpru, Dimotica, Tchirmen, and Mustapha Pasha. Soil alluvial, watered by River Maritza.

Return of Population and Value of Produce of these Districts for 1862 :—

		Population.	No. of Villages.	Value of Produce.
				Piastres.
Adrianople	..	150,000	270	60,616,250
Uzun Kinpru	..	70,000	70	20,502,200
Dimotica	..	120,000	300	35,781,940
Mustapha Pasha	..	40,000	20	11,192,530
Tchirmen	..	31,000	71	6,742,990
Total	..	411,000	731	134,835,910*

4. No exact data. During the last six or seven years, in consequence of the failure of the silk crops, labour has been more abundant. The land is held principally by small proprietors.

5. Able bodied labourers are generally hired by the year. They are paid at the rate of £10 to £12 per annum. Of this £3 10s. to £4 is given in cash, the remainder in kind. A common day labourer gets on an average $8d.$ to $9d.$ a day in summer, and $7d.$ in winter, besides board. During harvest, if the crops are full, wages rise. This year reapers were paid at the rate of $2s. 6d.$ a day, and in some farms $3s. 6d.$

6. 76 okes, equal to 206 lbs., for transport in bullock waggons.

7. The tithe has been commuted for a fixed assessment as regards old lands, to be renewed every five years. The amount which each village has to pay is collected by the primates, and by them remitted to the treasury in quarterly instalments.

8. There are no custom-house regulations in Adrianople.

9. As yet no such factories have been established in this province. In the case of silk factories that are working in this place the authorities required an "iradeh" (order) from the Porte to authorize their construction.

* Value in sterling upwards of £1,200,000.

10. Enos, Gallipoli, and Rodosto.

11. None as yet by the authorities, but the village communities employ guards for the protection of their plantations from the depredations of cattle.

12. The districts of Adrianople are not infested by locusts.

General Remarks.

There are ten kazas (districts) in sandjack (county) of Adrianople. In five of these, viz., Adrianople, Uzun Kinpru, Dimotica, Mustapha Pacha, and Tchirmen cotton was successfully grown in 1863. The crops this year are looking well, and promise a good yield, especially in districts of Dimotica and Uzun Kinpru. In general the growers prefer the American plant to the Egyptian, as it reaches maturity earlier by about four weeks, and it also gives better returns. The production of cotton in Adrianople is susceptible of great increase. The districts already named are irrigated by the river Maritza, and by it they are connected with the Port of Enos. Their climate and soil are not unfavourable to cotton culture, and the inhabitants, chiefly Bulgarians, are very industrious. Their silk crops having failed during the last eight years, they are now very willing to avail themselves of other sources of livelihood. But in order to promote the quantity and quality of cotton in these districts, it would be necessary to supply the growers with the best American seed; to assist them with small advances at a moderate interest and to introduce improved agricultural implements and machinery for cleaning. A reaping machine (Picksley and Sims) was brought this year to Adrianople by Sheriff Bey, one of the chief farmers here. It has been in operation about six weeks, and has answered so well that other farmers are disposed to follow the example of Sheriff Bey.

An honorary Consular Agent, stationed at Uzun Kinpru, would also very much assist in effectively promoting the development of cotton culture in these parts.

Adrianople, July 25, 1864.

P.S.—September 1st. American plants promising 120 to 130 bolls counted in some fields on one plant. Egyptian seed by no means encouraging.

ENOS.

Vice-Consul Rossy.

Answers to Queries.

1. 50,000 to 80,000 acres, 1853; much greater extent, 1864.

2. 1,140 lbs., 1863; 5,700 lbs., 1864.

3. Almost *nil*, owing to dry season, 1863; a most favourable aspect, 1864.

4. Beginning of March to middle of April.

5. On the best lands 120 lbs. of seed is required for an acre of cotton.

6. End of August to end of September.

7. Of the rudest kind. Cleaning cotton done by hand.

8. None exist.

8. Wooden carts drawn by oxen.

10. Advances obtained at ruinous rate of interest, because the proceeding being illegal the lender has no security for his advances. In cases of bad crops usurers seize and sell the farming implements, seed, &c., of the cultivator.

11. A tenth of the produce.*

12. Local authorities have given little or no facility. Were any assistance and encouragement given to farmers the sowing of cotton seed would attain very high proportions, the land being most fertile and abundant, and the farmers eager to profit by the present advantageous prices.

13. Sells ordinarily at about 1s. 4d. per lb.†

* The tithes of Enos were commuted in 1862 for a fixed annual payment, and the tithe on cotton is omitted on all new lands sown with that staple. This measure remains in force for five years, and should be an encouragement to farmers to produce.

† No cotton was produced at Enos before 1863. The value of Enos cotton is about 10 per cent. below fair Smyrna,—it can be produced for 4½d. and 5d. per lb.

Answers to Supplementary Queries

1. No data, last year being a failure owing to draught. Native cotton produces from 850 to 1,000 lbs. of seed cotton, which gives about 3 lbs. to every 20 lbs. of pods.
2. Without irrigation.
3. Quantity of land suitable cannot be given. Depends on the zeal of the farmers. In this district, consisting of five provinces, there exist of cultivated land 60,000 acres. Population 50,500, namely, 40,500 Christians, and 10,000 Turks.
4. No want of labour exists, and any amount of skilled labour can be obtained from the province of Ferre, at a very low rate. Lands are held principally by small proprietors using each a pair of oxen.
5. The wages are from £4 10s. to £7 per annum for every labourer, besides board.
6. Owing to the failure of foreign cotton seed it is impossible to give an idea, as no native cotton has yet been packed in bales.
7. The tithes are collected a month previous to harvest time by the tithe farmers. No other imposts exist.
8. The custom-house regulations respecting this branch of commerce are tariffed at one-third of the present value of cotton, and the export duty payable this year under the Treaty of 1861, is 5 per cent. on the tariff valuations, which is equal to $\frac{1}{4}d.$ per lb.
9. None. Poverty does not admit of the establishment of such factories. In case of necessity, presses would have to be imported from abroad owing to the indifference of the local authorities.
10. Enos is the only port adapted for exportation of cotton. The necessary facilities can be obtained in case of good harvests requiring them.
11. It is usual to place a watchman over the fields during harvest time; no measures have been taken however for the special protection of the cotton plantations. Vice-Consul deems it his duty to state, that the local authorities turn a deaf ear to the complaints of the villagers respecting the depredations of cattle, which belong to rich men of the province, who are able by their weight and influence to annul any measures which the authorities might be disposed to take for their benefit.
12. Locusts only made their appearance in any number last year, and disappeared without causing injury. In Ferre, they appeared in great numbers, but were destroyed by the villagers, without assistance from the authorities.

General Remarks.

The amount of produce could be increased a hundred-fold by the following means: 1st. By pecuniary assistance. 2nd. By a more advanced system of cultivation, and inspection by the local authorities. 3rd. Greater care of the cotton fields where at present great damage is caused by encroachments by cattle and especially sheep. According to my idea agriculturists experience no other difficulties but those I have here enumerated. I am informed by competent persons that immense tracts of land remain uncultivated owing simply to the want of some protection from the flocks and herds; the Government has not, however, sought to remedy the evil. The scarcity of money is also another serious drawback to the extension of cultivation. The want also of European agricultural implements, of which none exist, tends also to delay progress and improvement.

Enos, July 23, 1864.

GALLIPOLI.

Vice-Consul Ogilvy.

Answers to Queries.

1. 3,000 acres, 1863; 5,000 acres, 1864.
2. 100 lbs. 1863; 2,500 lbs. 1864.
3. 8,800 cwt., 1863; 15,000 cwt., 1864.
4. Begins in March to end of May.
5. 1 cwt. to $1\frac{1}{4}$ cwt.

6. From 15 September to end of October.
7. Native rough ploughs. For cleaning cotton small native hand gin, composed of two wooden rollers.
8. A ginning factory with hydraulic press at Gallipoli—17 gins (Macarthy) worked by steam power, besides one Albion saw gin and one Emery's saw gin.
9. Crops brought to Gallipoli and Dardanelles for $\frac{1}{4}d$ per lb. Shipped to Liverpool, Marseilles, Constantinople, and Smyrna. Chiefly to Liverpool and Smyrna. Freight to Liverpool averages $\frac{3}{4}d$. per lb.
10. Considerable advances made against sale of cotton for forward delivery, but as such bargains are not recognized by Turkish law, the terms of such loans are hard on the cultivator. Legalization by Government of advances to cultivators on security of crop very desirable.
11. Government tithe, as well as rather more than $\frac{1}{4}d$. per lb. on export. Pods liable to transit duty. (Transit duty abolished in September, 1864.)
12. None.
13. Under ordinary circumstances $6d$. per lb. would remunerate the cultivator, $4\frac{1}{2}d$. to $5d$. being the least cost of cultivating.

Answers to Supplementary Queries.

1. About 500 cwt.
2. Cotton is not irrigated in this district.
3. Area of district 2,100 square miles. General character of soil arable land, but a small portion only under cultivation. Lands suitable and available for cotton cultivation 20,000 acres. Population of district 250,000.
4. Ample labour is procurable for cotton cultivation. The land is principally held by small proprietors.
5. Women employed in weeding, &c., receive about $14d$. per diem. Day labourers from $18d$. to $2s$. Labourers hired by the year on the larger farms receive about £10 per annum and their rations, consisting of coarse bread and vegetables, with goat's flesh four times a year.
6. From 85 to 90 okes, net weight, or about $2\frac{1}{4}$ cwt.
7. Government fixes the amount to be levied from each village. This tax is paid by the heads of villages, or, "tchorbajees," who reimburse themselves by collecting the tenth of the crops on newly cultivated lands sown with cotton the tithes are remitted.
8. A duty of $\frac{1}{4}d$. per lb. is levied on cotton exported to foreign countries, $\frac{3}{8}d$. on that shipped to Turkish ports.
9. None.
10. Gallipoli is the principal port in the district. Ample means of storing cotton, and presses capable of packing 1,200 bales per month, exist at that port. Maitos, a village on the coast, opposite the Dardanelles, is the only other point whence cotton is exported.
11. The crops in this district are not generally exposed to cattle trespass, and no special means have been adopted to avoid it.
12. When locusts make their appearance, the Government obliges the whole population of the villages near the spot to contribute their labour for the purpose of destroying these insects. One small flight of insects was so destroyed this year without having done any material damage.

General Remarks.

The cotton crop in the district of Gallipoli promises well this year, though it has suffered some slight damage from hail. One great step towards the increase of cotton cultivation would be the legalization by Government of advances made to the cultivator on the security of the standing crop, as the peasant would then be able to obtain such advances on conditions far less onerous than those to which he is now obliged to submit. As at present such advances are not only not recognized, but are positively discouraged by the Turkish Government, the capitalist consents to make such advances only at rates which remunerate him for the risk incurred, owing to the impossibility of legally enforcing the execution of his contract with the peasant.

The abolition of the transit duty on pods is also imperatively called for. Cotton pods arriving at a seaport in Turkey from the interior are liable to a duty of 8 per cent. *ad valorem*. The produce in cotton being exported free of duty, but, by the Treaty of Commerce of April 29, 1861, the export duty on cotton is fixed at 6 per cent. on a value of piastres 257 20 per kintal. This is the duty actually levied, though cotton is now worth piastres 1,100 per kintal. The transit duty on pods being levied on their current market value, is equivalent to quadrupling the export duty on cotton. This exaction is levied in direct contravention to the IVth Article of the above-mentioned Treaty. As all ginning establishments on a large scale have naturally been established in seaport towns, the transit duty acts virtually as a prohibitive tax on the use of improved machinery.

N.B.—The transit duty has since been abolished.

ISLAND OF CRETE.

His Excellency Ismail Pasha, Governor-General.

Consul Hay.

Answers to Queries.

1. Impossible to ascertain, 1863–4.
2. 1780 cwt., 1863 ; 50 cwt., 1864.
3. 1,170 cwt., 1863 ; 4,000 cwt., 1864.
4. April and May.
5. About 50 lbs.
6. September and October.
7. The agricultural implements are of the rudest and most primitive kind. Cotton is mostly cleaned by hand. Some wooden machines made in the country are also used. Three hand-ginning machines of English manufacture have this year been introduced and sold by the Governor-General. Since 1864 five other hand ginning machines have been introduced (3 French and 2 English). N.B.—All these eight gins are put up in and about the town of Canea. There are none at Rettimo and Candia. The pasha sent one in 1864 to both these towns, but no one there understanding how to put them together or work them they were sent back.
8. None. The cotton is packed loose in sacks and pressed by foot. The mere pressing and cording for about 2 cwt., costing 2s.
9. The cotton is brought from the country to the ports of embarkation on backs of animals, there being no roads. Each proprietor brings his own cotton, or sells it to itinerant local purchasers, who resell it in town. The hire of a mule or horse per day is about 2s. A mule will carry 2 cwt. of cotton. It is exported to Syra and Smyrna for transhipment to Europe, there being hydraulic presses in both these places.
10. None whatever, but the itinerant purchasers mentioned in answer No. 9, get advances from exporting merchants and local speculators ; they often prepurchase and prepay the villagers for their cotton, taking the risk of a fall in price. Disputes are very rare in these transactions.
11. Cotton, as all other produce, pays the tithe or 10 per cent. in kind. In some cases the farmer of the tithe and the cultivator agree as to value, and then the tithe is paid in cash.
12. The Governor-General encourages the cultivation of cotton by gratuitously distributing exotic seed, and by representing to the people the advantage of cultivating it ; but no measures have been taken to show the villagers what spots of ground are most suitable for such seed, and the result has been that, as in many cases the exotic plants did not come to proper maturity, the villagers have not been favourably impressed with it.

13. 1s.

Answers to Supplementary Queries.

1. About 150 okes, or $3\frac{3}{4}$ cwt.
2. Generally without irrigation.
3. It is impossible to ascertain what is the quantity of land suitable for cotton. The soil generally very stony, is in certain parts sandy and in others of a clayey nature. It contains oxide of iron. The island is divided into three districts, Canea, Retime, and Candia. The population of the island is calculated at about 290,000.
4. The rural population consists of about 250,000. The land is held almost entirely by small proprietors.
5. In many cases the proprietor of the land supplies the oxen, agricultural implements, and seed, and divides the produce with the labourer. Hired labour is paid at the rate of 1s. to 1s. 6d. per day.
6. From 50 to 150 okes, equal to from 125 to 375 lbs. English.
7. The tithe or tenth part of all produce is collected in kind by farmers of the tithes. The tithes are put up to auction every second year. The tithe farmers naturally try to get as much as possible out of the cultivator, so as to make a profit on the price paid to the Treasury.
8. The duty levied by the custom-house on cotton exported is $13\frac{1}{2}$ piastres per kintal, or 112 lbs.
9. The cultivation of cotton has hitherto been so insignificant that there has been no demand for establishing ginning factories and cotton presses. Should they hereafter be required it is probable the Local Government would grant facility.
10. Canea, Rettimo, and Candia. The cotton is purchased in small quantities by merchants in the towns and placed in their own stores. There are no Government stores. All merchandise is embarked in boats and lighters. Cotton is taken by the Austrian Lloyds' weekly steamers to Syra, Smyrna, and Trieste.
11. No regulations of this nature exist in this island. The proprietors of cattle destroying cotton or other crops are made to pay the amount of damage done.
12. No locusts ever appear in this island.

General Remarks.

Although it is impossible to obtain any exact information as to cultivation of cotton, there being no statistics of any kind in the country, there is no doubt that the cultivation has increased considerably this year. The crops are promising, though in some parts they have been damaged by the early rains. Should this year's crop prove remunerative to the proprietors, it is probable there will be an increased produce next year. It is with the greatest difficulty the people can be got to sow their land with exotic seed. The seed of the country it appears gives a surer yield. Large quantities of Egyptian seed were last year distributed gratis by the Government; but, in many cases the seed was used as food for cattle by the people rather than sow their land with it.

TURKEY.

Circular to Her Majesty's Consuls in the Ottoman
Dominions regarding Cotton Cultivation; together
with a Summary of their Replies.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1865.*

LONDON:

W. LONDON AND MONS.

CORRESPONDENCE

RESPECTING THE

DEMARCATIION OF THE FRONTIER

BETWEEN

TURKEY AND PERSIA.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON :
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Demarcation of the Frontier between Turkey and Persia.

No. 1.

Treaty of Erzeroum between Turkey and Persia, signed May $\frac{19}{31}$, 1847.

(Traduction.)

ARTICLE I.

LES deux Puissances Musulmanes arrêtent que les réclamations pécuniaires qu'elles avaient élevées jusqu'à présent, l'une à charge de l'autre, soient totalement abandonnées; mais que nulle atteinte ne soit portée par cet arrangement aux dispositions (prises) pour le règlement des réclamations insérées dans l'Article IV.

ARTICLE II.

Le Gouvernement de Perse s'engage à abandonner au Gouvernement Ottoman tous les terrains plats, c'est-à-dire, les terrains de la partie occidentale de la province de Zohab; et le Gouvernement Ottoman s'engage de son côté à abandonner au Gouvernement Persan la partie orientale, c'est-à-dire, tous les terrains montagneux de la province de Zohab, avec la vallée de Kerrind.

Le Gouvernement Persan se désiste de toute espèce de prétention relative à la ville et à la province de Suleimanié, et s'engage formellement à ne jamais exercer nulle espèce d'immixtion ni d'empiètement par rapport au droit du souveraineté du Gouvernement Ottoman sur la dite province.

Le Gouvernement Ottoman s'engage formellement à ce que la ville et l'échelle de Mohammara, l'île de Khizr, le lieu d'ancrage, et aussi les terrains de la rive orientale, c'est-à-dire, de la rive gauche du Schatt-ul-Arab, qui sont en la possession des tribus reconnues comme relevant de la Perse, soient dans la possession du Gouvernement Persan en pleine souveraineté. Outre cela, les navires Persans auront le droit de naviguer en pleine liberté sur le Schatt-ul-Arab, depuis l'endroit où ce fleuve se jette dans la mer jusqu'au point de contact des frontières des deux parties.

ARTICLE III.

Les deux Parties Contractantes ayant par le présent Traité abandonné leurs autres réclamations territoriales, s'engagent à nommer immédiatement des deux côtés des Commissaires et des Ingénieurs, afin que ceux-ci déterminent les frontières entre les deux Etats d'une manière conforme à l'Article précédent.

ARTICLE IV.

Il est respectivement décidé que des Commissaires seront immédiatement nommés de part et d'autre, pour juger et régler d'une manière équitable les questions des dommages essuyés des deux côtés depuis l'acceptation des propositions amicales tracées et communiquées par les deux grandes Puissances médiatrices au mois de Djémaziy-ul-evvel, 1261; ainsi que celles des droits de pâturages depuis l'année où leur paiement a été arriéré.

ARTICLE V.

Le Gouvernement Ottoman promet de fixer à Brousse le domicile des Princes Persans fugitifs, et de ne pas permettre qu'ils s'absentent du dit lieu, ni qu'ils entretiennent des relations clandestines avec la Perse. Et les deux hautes Puissances s'engagent à ce que, conformément au précédent Traité d'Erzeroum, les autres transfuges soient tous rendus.

ARTICLE VI.

Les négociants Persans paieront en nature ou en argent comptant les droits de douane pour leurs marchandises, selon la valeur actuelle et courante des dites marchandises, et de la manière indiquée dans l'Article relatif au commerce du Traité d'Erzeroum conclu en 1238. On ne demandera rien (pas une pièce de monnaie) en sus du montant fixé dans le dit Traité.

ARTICLE VII.

Le Gouvernement Ottoman promet d'accorder les privilèges nécessaires pour que, en conformité des Traités précédents, les pèlerins Persans puissent visiter, en toute sûreté et à l'abri de toute espèce de vexation, les lieux saints qui se trouvent dans les Etats Ottomans. Et, de plus, désirant raffermir et consolider les liens de l'amitié et de la concorde qui doivent subsister entre les deux Puissances Musulmanes et entre leurs sujets respectifs, il s'engage à prendre les mesures les plus convenables à ce que, de même que les pèlerins Persans jouissent de tous les privilèges dans les Etats Ottomans, les autres sujets Persans aussi en participent, et que, tant pour leur commerce que sous d'autres rapports, ils soient mis à l'abri de toute sorte d'injustice, de molestation, ou d'incivilité. Outre cela, le Gouvernement Ottoman promet de reconnaître les Consuls qui seront nommés par le Gouvernement Persan dans tels endroits des Etats Ottomans où les intérêts commerciaux et la protection des sujets et négociants Persans l'exigeraient à l'exception de la Mecque la vénérée, et de Medine la resplendissante; et d'observer à l'égard des dits Consuls tous les privilèges dûs à leur caractère officiel et qui sont observés envers les Consuls des autres Puissances amies.

De son côté, le Gouvernement Persan s'engage à user en toute chose de procédés réciproques, soit envers les Consuls qui seront nommés par le Gouvernement Ottoman dans tels endroits de la Perse où ils seront jugés nécessaires, soit à l'égard des sujets et négociants Ottomans qui fréquenteraient la Perse.

ARTICLE VIII.

Les deux Hautes Puissances Musulmanes s'engagent à adopter et à mettre à exécution les mesures nécessaires pour empêcher et réprimer les vols et les brigandages des tribus et des autres peuplades établies sur les frontières; auquel effet, elles placeront des troupes dans les lieux convenables. Et elles s'engagent à s'acquitter de leur devoir quant à toute espèce d'acte d'agression, tels que pillage, déprédation, ou meurtre, qui aurait lieu sur leurs territoires respectifs.

Les deux Hautes Puissances laisseront une fois pour toutes à la libre volonté des tribus qui, leur Suzerain n'étant pas connu, sont contestées, la faculté de choisir et de désigner les endroits où dorénavant elles demeureront toujours; et il est arrêté que les tribus dont la dépendance est connue, seront forcées de rentrer dans le territoire de l'Etat dont elles relèvent.

ARTICLE IX.

Tous les points et les Articles des Traités précédents, et particulièrement ceux du Traité conclu à Erzeroum en 1238, qui ne sont pas spécialement modifiés ou annulés par le présent Traité, sont confirmés dans toute leur force et dans toutes leurs dispositions, comme s'ils eussent été insérés mot-à-mot dans cette pièce. Il est convenu entre les deux hautes Puissances qu'après que ce Traité aura été échangé, elles l'accepteront et le signeront, et que les ratifications en seront échangées dans l'espace de deux mois, ou plutôt.

(Translation.)

ARTICLE I.

THE two Mussulman Powers agree that all pecuniary claims which have been put forward on either side up to this date shall be totally abandoned, but that this arrangement shall in no way affect the dispositions made for the settlement of the claims inserted in Article IV.

ARTICLE II.

The Persian Government engages to abandon to the Ottoman Government all the level lands, that is to say, the lands of the western part of the Province of Zohab; and the Ottoman Government engages on its side to abandon to the Persian Government the eastern portion, that is to say, the mountainous districts of the Province of Zohab, with the valley of Kerrind.

The Persian Government gives up all pretension to the city and the Province of Suleimanié, and engages formally to exercise no interference in, or in any way to encroach on, the right of sovereignty of the Ottoman Government over the said Province.

The Ottoman Government engages formally that the Persian Government shall have full jurisdiction over the town and the roadstead of Mohammara, the Island of Khizr, the anchorage, and also over the districts on the eastern bank, that is to say, on the left bank of the Schatt-ul-Arab, which are in the possession of tribes recognized as owing allegiance to Persia, or in the possession of the Persian Government in full sovereignty. Besides this, Persian vessels shall have full liberty to navigate the Schatt-ul-Arab from the spot where this river throws itself into the sea to the point of contact of their respective frontiers.

ARTICLE III.

The two Contracting Parties having by the present Treaty abandoned their other territorial claims, engage respectively to nominate immediately Commissioners and Engineers, in order that they may determine the frontier of the two States, in conformity with the preceding Article.

ARTICLE IV.

It is respectively decided that Commissioners shall be immediately nominated on both sides to judge and pronounce in an equitable manner on the questions of losses sustained on either side since the acceptation of the friendly propositions made and communicated by the two great Mediating Powers in the month of Djémaziy-ul-evvel 1261; as also on the pasturage-dues since the year when their payment has been in arrear.

ARTICLE V.

The Ottoman Government promises to fix the domicile of the fugitive Persian Princes at Broussa, and not to permit them to be absent from the said place, nor that they should maintain clandestine relations with Persia. And the other two high Contracting Powers engage that, in conformity with the preceding Treaty of Erzeroum, all other fugitives shall be surrendered.

ARTICLE VI.

Persian merchants shall pay the Customs duties on their wares, either in kind or in ready money, according to the current value of the said wares at the time, and shall do so in the manner indicated in the Article of the Treaty of Erzeroum, concluded in 1238, which relates to commerce. Nothing (not a single piece of money) shall be demanded over and above the amount laid down in the said Treaty.

ARTICLE VII.

The Ottoman Government promises to accord the necessary privileges to Persian pilgrims, in order that they may be able, in conformity with former Treaties, to visit in perfect safety, and in freedom from all kinds of annoyance, the holy places situated in the Ottoman States. Moreover, being desirous to strengthen and consolidate the ties of friendship and of concord which ought to exist between the two Mussulman Powers, and between their respective subjects, it engages to adopt the most suitable measures in order that, just as Persian pilgrims are in the enjoyment of every privilege in the Ottoman States, the other Persian subjects also may participate therein, and that, both as regards their commerce and in other respects, they may be screened from every kind of injustice, molestation, or incivility. In addition to this, the Ottoman Government undertakes to recognize the Consuls who shall be appointed by the Persian Government in those places of the Ottoman dominions where commercial interests and the need of protection existing for Persian subjects and merchants may render such recognition necessary, with the exception of Mecca the venerated, and Medina the resplendent; and to observe towards the said Consuls all those privileges which are due to their official character, and which are observed towards the Consuls of other friendly Powers.

On its side, the Persian Government engages to reciprocate in everything, both in regard to the Consuls who shall be appointed by the Ottoman Government in those parts of Persia where they shall be considered necessary, and in regard to the Ottoman subjects and merchants who may frequent Persia.

ARTICLE VIII.

The two High Mussulman Powers engage to adopt and to put into execution the measures necessary to prevent and repress the robberies and depredations of the tribes and other hordes settled on the frontiers, for which purpose they will station troops in the proper places. And they engage to do what is right with respect to all kinds of acts of aggression, such as pillaging, depredation, or murder, which may take place in their respective territories.

The two High Powers will, once for all, leave the tribes about whom, owing to the fact of their Suzerain being unknown, there is a dispute, at liberty to choose and elect the places where they shall henceforward always reside; and it is agreed that those tribes whose dependence is known, shall be obliged to return to the territory of the State to which they belong.

ARTICLE IX.

All the points and Articles of former Treaties, and particularly those of the Treaty concluded at Erzeroum in 1238, which are not specially altered or annulled by the present Treaty, are confirmed in all their force, and in every stipulation, the same as if they had been inserted word for word in this document. It is agreed between the two High Powers that, after this Treaty shall have been exchanged, they will accept and sign it, and that its ratifications shall be exchanged within two months' or less time.

No. 2.

Sir Stratford Canning to Viscount Palmerston.—(Received January 15, 1849.)

My Lord,

Therapia, December 19, 1848.

THE several Commissions appointed for the delimitation of the Turco-Persian frontier have now a fair prospect of being able to commence their operations early in the spring.

The British and Russian Commissioners are to embark to-morrow for Samsoon, where it may be presumed that Lieutenant Glascott is already arrived. Meerza Jaffer Khan, according to advices received from Colonel Farrant, was to have reached Bagdad about this time. The Turkish Commissioner, Dervish Pasha, is to embark in the course of the week.

The Commissioners talk of going from Samsoon to Moossul in six weeks; but it will be difficult at this season to perform the journey in less than two months.

I have communicated fully with the Russian Envoy, and also with the Ottoman Secretary of State, on the several matters to which the attention of the Commissioners will be directed in execution of the Treaty of Erzeroum.

The principal instruction (copy inclosed) which I have addressed to Lieutenant-Colonel Williams has received the unqualified assent and concurrence of M. de Titoff, who assured me that his instruction to Colonel Tchirikoff would be couched in similar terms. We had previously invited those officers to mention any points respecting which they might wish more particularly to have our opinions.

The communications made to me by Aali Pasha on the whole of this subject are satisfactory in every respect but one, which your Lordship will find explained in the accompanying Report from Mr. Pisani. The Porte proposes to send its Commissioner in the first instance to Van, for the adjustment of some local question with a Commissioner from Persia. I have objected to this plan on account of the unnecessary delay which it is likely to throw into the proceedings of the Commissioners, and although the Porte has not yet yielded to my representations, a repetition of them can hardly fail to accelerate the movements of Dervish Pasha.

It only remains for me at present to submit to your Lordship copies, inclosed herewith, of two additional instructions which I have addressed to Colonel Williams with the view of directing his attention to every object of public utility with which his operations in a remote and interesting region are likely to bring him into contact.

I have, &c.

(Signed) STRATFORD CANNING.

Inclosure 1 in No. 2.

Sir Stratford Canning to Lieutenant-Colonel Williams.

Sir,

Therapia, December 9, 1848.

YOUR letter of the 4th instant, in answer to mine of the 2nd, is now before me, and my present instruction will comprise both the points to which you have called my attention, and others respecting which I think it desirable that you should know my sentiments.

The operations in which you are authorized to take part extend in their effects beyond the territorial claims of the two Governments whose common line of frontier is to be laid down. They will also act upon the interests of a numerous population scattered over the vast mountainous tracts and extensive plains through which the boundary is intended to run. It is reasonable to expect that they will lay the foundation of much social improvement to be gradually developed among the wild inhabitants of those countries, at the same time that they will contribute powerfully to the maintenance of peace between the respective Governments. Nor is it too much to hope that by bringing the local features and natural productions of a region hitherto little or at all frequented by intelligent travellers to the notice of the civilized world, your Commission may assist in extending the sphere of useful knowledge, and eventually in opening new channels of commercial intercourse.

You will be careful, however, not to lose sight of the relation in which you stand towards the more immediate object of your labours. The British and Russian Commissioners are not principals in the delimitation of the frontier. Their office, both jointly and separately, is auxiliary to that of the Turkish and Persian Commissioners. It has mainly in view the settlement of differences between them, a steady adherence to the terms of Treaty stipulation, and the employment of sound scientific principles in the execution of an arduous work. Your intimate personal acquaintance with the whole course of the late negotiations at Erzerum, and the superior professional experience which both the European Commissioners may be expected to apply to the solution of doubtful questions, can hardly fail of giving a just preponderance to your opinions and friendly recommendations.

It is evidently of great importance in this respect that no difference of opinion should be apparent between your Russian colleague and yourself, that both of you should uniformly maintain on every point of your common duties the most unreserved communication with each other, and that whenever your interference may be wanted either for direction or for decision, you should first come to a mutual understanding on the point in question, and, thus agreed, endeavour to remove any objections advanced by the Mahometan Commissioners.

The principal basis of decision must, of course, be sought in the terms of the Treaty fairly interpreted, and particularly in those Articles of it which determine the territorial claims, and provide for the delimitation of the frontier. Copies of the Persian and Turkish versions of the Treaty are, on this account, inclosed herewith for your eventual use.

It is possible, at the same time, that when the Treaty comes to be practically applied, some expression may be found to involve a real ambiguity, and in such case, however difficult the task might prove, it would still be desirable to omit no effort which might serve to bring the conflicting parties to a final understanding on the spot. The motive to dissent in each instance would probably be drawn from interests or fear—the wish to obtain a preponderating advantage or the apprehension of exposing a weak point. On either of these suppositions the rule to be followed with most fairness and prospect of success by the arbitrating Commissioners would, I conceive, be that of leaning towards the party whose essential interests were the most likely to suffer by losing the object in debate. If the disputed possession did not cover any deeper interests than that of superficial extent, it would generally be better to effect a solution by equitable division, or by reference to well-defined geographical features, than to submit the question, as an object for fresh negotiation, to the respective Governments.

Upon the subject of reference I take this opportunity to observe that whenever a question shall be settled at once by your advice and good offices, in concert with those of your Russian colleague, the intentions of the Mediating Courts will be most conveniently fulfilled. You will readily perceive how desirable it is that every proper exertion should be made by you, as occasion may require, for this purpose.

But the most judicious suggestions as well as the most strenuous exertions may fail to overcome the objections of the dissenting party. This contingency, however greatly to be

deprecated, is one for which it is most important that you should be seasonably prepared. Two modes of action would be open to you in the supposed case. The Commissioners might wait for further instructions from their respective Courts, or they might report to them and proceed, without waiting, on the line of their operations. It is the latter of these alternatives which I would instruct you to adopt; and I do so with the greater confidence because your own opinion and that of the Russian Cabinet appear to point to the same direction. You will, therefore, understand that as often as any difference of opinion shall unfortunately obstruct the progress of the demarcation, it will be your duty, first, to join with the Russian Commissioner in trying by all suitable means to bring the diverging views to a common point; secondly, in case of failure to transmit to this Embassy a statement exhibiting distinctly the claims of each party, their respective grounds of difference, the opinions of the mediating Commissioners, and any plan of adjustment which, in your judgment, might be accepted without serious prejudice to the interests or rights of the parties disagreeing; and, thirdly, without further delay to continue the line of demarcation from the point nearest to that which may be comprised in the question reserved for future decision.

The great length of frontier between Turkey and Persia, extending from Mount Ararat to the Persian Gulf, might well suggest the hope that only such parts of the line as have been settled in principle by the last Treaty of Erzerum would require to be surveyed on the present occasion. These, as you know, are Zohab, Mohammarah, and perhaps Suleymanieh, to which might be added some few places in dispute to the north, brought forward in the course of negotiation, but not comprehended expressly in the Treaty. Whatever may be our impressions on this subject, the Courts of Turkey and Persia must naturally have the ultimate decision of the question, though it is to be expected that they will not shrink from the obligation of leaving no part of their common boundary liable to dispute for the future, and that they will gladly avail themselves of the present concurrence, founded as it is upon the terms of the Treaty, to extend the blessings of certainty in that respect to the whole frontier population.

Be that as it may, the same principles of operation will apply to the whole as to any portions of the line, with this single exception, that the regulation of those parts which are not expressly named in the last Treaty must be derived from the anterior, but not abrogated, Treaties to which reference is made in its concluding Article. Of the Treaties, in so far as they concern the boundary, a more distinct idea is given in the accompanying memorandum, to which I refer you.

Connected with the demarcation of the frontier are other interesting questions, which, although they do not fall within the strict line of your duty on that subject, must naturally come under your notice, and justly solicit your careful attention. They are the special objects of the IVth and VIIIth Articles of the Treaty, relating to dues for pasturage, to the establishment of military stations, and to the settlement of the tribes hitherto fluctuating in their allegiance.

I have to request that you will neglect no favourable opportunity of collecting accurate information on the several points which I have enumerated, and that you will transmit from time to time the result of your inquiries to me, not only for the information of this Embassy, but also for that of Her Majesty's Government.

Should it appear on the receipt of this information that the frontier Commissioners are to be charged with the duty of carrying out the IVth and VIIIth Articles of the Treaty, as well as the second, a further instruction could be addressed to you with clearer prospects than now of authorising a useful and effective exertion of influence in each case.

It would be superfluous, after what I have already intimated, to urge the necessity of your endeavouring to carry out the objects of your Commission with every degree of dispatch compatible with their satisfactory accomplishment. The propriety and importance of keeping this consideration in view have naturally occurred to your own mind, and, were other reasons wanting, this alone would prevail with me to adopt your proposition as to the most advisable point of commencement. The plan suggested by you is strongly recommended by the advanced period of the season, and by the consequent impossibility of completing the delimitation of Mohammarah before the heats begin, if the original idea of starting from that end of the line were to be retained.

Under the present circumstances you are, therefore, at liberty to defer awhile your intended journey to Bagdad, and to consider Moossul as the first place of meeting for the several Commissioners, with a view, however, to commencing your operations as soon as possible at the southern extremity of Zohab, should you still find reason to prefer that point.

On your arrival at Moossul, it will be advisable for you to lose no time in communi-

cating with the Persian Commissioner, who, according to the latest advices from Tehran, may be expected to reach Bagdad very soon. If you could go to meet him at Bagdad without too much inconvenience, you would obtain by repairing thither the advantage of communicating personally with Major Rawlinson, from whom you might derive much valuable information respecting the frontier.

Should the inconvenience of this mode of proceeding be too great, considering the proximity of Zohab to Bagdad, you would find no difficulty, I hope, in persuading Meerza Jaffer Khan to meet you and the other Commissioners at Moossul.

In that case, it would be matter of regret that the Persian Commissioner should have incurred unnecessarily the fatigue of making a circuitous journey, but it may be reasonably presumed that your explanations conveyed to him through Major Rawlinson would have the effect of precluding every unfavourable impression.

I leave the subject here, with a confident hope that the same success which ultimately crowned your negotiations at Erzerum will, after an interval less protracted by unavoidable incidents, attend the performance of your present duties.

I have, &c.

(Signed) STRATFORD CANNING.

Inclosure 2 in No. 2.

Mr. Pisani to Sir Stratford Canning.

Excellence,

Pera, ce 19 Décembre, 1848.

J'AI l'honneur de vous informer que j'ai eu une longue conversation avec Aali Pacha au sujet des Commissaires chargés de la délimitation des frontières Turco-Persanes.

Je lui ai lu les instructions de votre Excellence; et à sa demande je lui en ai donné une traduction. Voici la réponse de son Excellence.

1. Il faut que Derviche Pacha se rende d'abord à Van, où il doit commencer immédiatement son travail, soit avec le Commissaire Persan s'il y est déjà, soit tout seul s'il n'y est pas; et dans ce dernier cas, il visitera les localités, et en dressera, s'il le faut, la carte qu'il enverra ici avec son rapport; après quoi il partira pour rejoindre les Commissaires ses collègues. Il m'est impossible d'assurer son Excellence M. l'Ambassadeur que Derviche Pacha se trouvera à Moossul dans un délai de six semaines. Derviche Pacha partira d'ici par le premier bateau Turc, pour Samsoon, qui part, je crois, Vendredi prochain.

2. Derviche Pacha fera ce qu'il pourra pour arranger chaque point sur les lieux mêmes quand cela est possible; et l'œuvre de la délimitation ne devra pas être interrompue pour quelques cas qu'il serait nécessaire de référer aux Cours. Derviche Pacha se consultera toujours avec les Commissaires Anglais et Russe, mais il ne pourra suivre leurs avis que lorsqu'ils seront conformes au Traité aussi bien qu'aux communications officielles qui ont été échangées entre les Représentants des deux Cours médiatrices et la Porte, et qui ont été formellement sanctionnées par l'Ambassadeur Mirza Mehemed Ali Khan; communications en vertu desquelles le Traité a été ratifié.

3. Je ne crois pas que ce serait bien de commencer les opérations par l'extrémité orientale du Zohab, et cela à cause de la saison. Cependant je n'objecte point à ce que l'on commence par là.

4. Je conviens avec M. l'Ambassadeur qu'il faudra commencer par recueillir des renseignements sur les trois points, savoir, les arrérages des droits de pâturage; les stations militaires; et l'établissement des tribus nomades: points sur lesquels on peut envoyer des instructions plus tard, car en effet le principal objet de la Commission c'est de fixer les frontières.

5. Je donnerai aux deux Représentants copie des instructions du Derviche Pasha.

Des ordres seront donnés aux autorités compétentes pour la protection des Commissaires, et pour la facilité de leurs opérations.

J'ai, &c.

(Signé) FRED. PISANI.

Inclosure 3 in No. 2.

Sir Stratford Canning to Lieutenant-Colonel Williams.

Sir,

Therapia, December 16, 1848.

THOUGH you have lost the services of the naturalist appointed to accompany your Commission, I am persuaded that I only express Lord Palmerston's sentiments and

anticipate your own in requesting that you will neglect no means or opportunities of obtaining the information which it would have been his duty to collect. I have pressed upon Her Majesty's Government the advantage, which had not escaped you, of filling up Mr. Angus' place, and I hope that you will not long remain without the assistance of a successor to him. But in the meantime it is obviously desirable that his absence should be in some degree supplied by the exertions of the Commission, whose several Members may be presumed to have talents more or less applicable to those researches which would have occupied his exclusive attention.

Besides the more important natural productions to be found in the interesting countries which you will have to traverse, the geographical and other local peculiarities, the character and habits of the various tribes, and their commercial resources, are, no doubt, worthy of as much inquiry and observation as you can spare from the more immediate object of your instructions.

I have, &c.
(Signed) STRATFORD CANNING.

P.S.—Inclosed herewith is a memorandum which may assist to direct your attention to the more important objects of local interest. It is drawn up by Mr. Layard, whose personal knowledge of the localities cannot but give a high value to his suggestions. You are already aware that Her Majesty's Government expect to receive from the Commission an accurate and comprehensive map of the countries through which you are to pass.

S. C.

Inclosure 4 in No. 2.

Memorandum.

Commerce.—The principal point is to ascertain whether any more direct roads can be opened into Central Persia than those now used, viz., those through Erzeroom and Tabreez, and through Bagdad and Kermanshah. The direct line to Isfahan from the Mediterranean would be through Scanderoon (the port), Aleppo, Moossul, and the mountains in the neighbourhood of Rahvandiz. The road from Scanderoon to Moossul is growing into importance, and is partly opened. From Moossul into Persia the road is still closed, on account of the unsettled state of the border tribes, and the arbitrary exactions of local authorities, both Kurds and Turks. The Commission, while passing through the mountains, could make inquiries as to the passes, with a view to ascertaining the most convenient and shortest road, and at the same time ascertain what restrictions are placed upon the free passage of caravans by the local authorities and the tribes.

Another line of road might be opened to the south, through Mohammarah (the port), Shushter, and the Bakhtiyari Mountains; but the greater part of this country would not come under the notice of the Commission. There is water-carriage by the Karoon to Shushter, and from that place a caravan may, during summer, proceed in a few days to Isfahan. Inquiries might be made of the Persian merchants and Chiefs about Mohammarah as to the practicability of this route; the only obstruction will probably be found to arise from the state of the tribes.

More direct roads into Persia are highly important for the extension of our commerce.

Produce.—The line of country through which the Commission will have to pass abounds in vegetable and mineral productions, which are, or might become, objects of trade. Thus, for instance, inquiry might be made as to the dyes used by the Kurds, which are well known for their brilliancy and durability, and specimens obtained of the herbs or flowers used. Galls are largely exported, but the trade is interfered with by the local authorities and Kurdish Chiefs. The extent of the drawback might be ascertained, as galls form an important branch of British trade.

Mines abound in Kurdistan; they are mostly unknown, even to the Porte, and their produce is not a source of revenue. The inhabitants of the country are generally acquainted with their site, and make use of the minerals.

Ethnography.—The mountains of Kurdistan are inhabited by many races speaking different languages or dialects. No useful vocabularies have yet been compiled of the Kurdish dialects, which vary almost with every large tribe; yet they are of interest as containing words of pure Indo-Germanic origin, which have long become obsolete in the more polished Indo-European languages, but which may still exist in the older languages of the inscriptions. It would be well to obtain as complete vocabularies as possible.

Besides the Kurds, there are Settlements of Chaldæans, Yezidis, Ali-Ilahis, Armenians, Jacobites, and other races and sects, who will come under the notice of the Commission. Any information regarding their language, manners, religious observances, and physical characteristics, will be of considerable interest, as they are mostly the remnants of ancient nations who have taken refuge in the mountains.

In parts of Kurdistan there are old Christian convents and monasteries which may possibly contain valuable manuscripts. Any on vellum are of interest.

Antiquities.—Many monuments of ancient Assyria and Persia exist in the mountains of Kurdistan. They chiefly consist of bas-reliefs and of inscriptions in the cuneiform character. Few, if any, of them in the line of country to be visited by the Commission have been drawn or copied. They have now become of considerable interest. They should be carefully copied, and, if possible, impressions of the inscriptions should be taken with damp paper.

At Kil-i-shin, and probably other places in the Kurdish mountains, there are pillars or stones bearing cuneiform inscriptions, which appear to mark the eastern boundaries of the ancient Assyrian Empire. Inquiries should be made amongst the Kurds for such remains.

In ascending from the south, there are several important ruins. The Commission will be within a short distance of the remains of the ancient city of Susa, which are within the Persian frontier. On the great mound, near the tomb of Daniel, is a large marble slab with a cuneiform inscription; and probably many similar relics might be found if the earth could be removed from other parts of the mound. Any researches on this spot must, however, be carried on with some degree of caution, as the inhabitants of the country are particularly jealous and superstitious. It is well known that there existed near the tomb of Daniel a black stone, which was supposed to bear a bi-lingual inscription, one of the versions being in the cuneiform character. It was said to have been destroyed, and the fragments to have been buried near the tomb; but it is possible that the stone was buried entire, and such is the opinion of some of the best-informed people of the country. A copy of the inscription would be highly valuable.

Near Susa are the ruins of Iwan-i-Kerkhah, on the River Kerkhah, which are worthy of examination, and are near the frontier line. In the neighbourhood are many other remains.

Further north are the ruins of the very ancient city of Teeb. They are in the Turkish territory, and not very distant from the boundary line. They are well worthy of an examination.

There are many large mounds to the north of this place, and between it and Mendali. At Badrai there are ruins. The district of Zohab abounds in ruins and inscriptions of various periods. Major Rawlinson is so well acquainted with the country that he will be able to furnish every information on the subject.

Natural History.—With the exception of two or three species of wild sheep, it is probable there are not many large animals in Kurdistan which are unknown in Europe. It is desirable that specimens of these wild sheep should be sent to England. Amongst the smaller animals there are probably many which would be found to be new.

Amongst the birds there are several species, such as the large partridge of the higher Kurdish mountains, which are not generally known in Europe.

The fish inhabiting the rivers and lakes of Kurdistan are almost all unknown, and it would be very desirable to obtain specimens.

Inclosure 5 in No. 2.

Sir Stratford Canning to Lieutenant-Colonel Williams.

Sir,

Therapia, December 16, 1848.

AS your road to Moossul lies through Siwas, I have to request that in halting at the latter place you will endeavour to obtain information as to the state of commerce, and its capability of extension in that neighbourhood. I have it more particularly in view to ascertain how far a more active trade in objects of British produce or manufacture might reasonably be expected to result from the establishment of a British Consul at Siwas. It is needless to add that the principal points of inquiry are the articles of export suited to our market, the capacity for consuming our merchandize, the facilities for communicating with the nearest outpost, and the means of forming commercial establishments.

I have, &c.

(Signed)

STRATFORD CANNING.

No. 3.

Sir Stratford Canning to Viscount Palmerston.—(Received October 2.)

My Lord,

Therapia, September 17, 1851.

AGREEABLY to the intention which I announced to your Lordship in a former despatch, I have discussed with M. de Titoff the present state and prospects of our respective Commissions on the Turco-Persian frontier. I am happy to say that we entirely agree as to both branches of the subject, and our joint opinion of the most advisable course to be pursued under circumstances of so much perplexity is consigned to paper in the form of a Memorandum, to be submitted to our respective Courts with the least practicable delay. Of this Memorandum a transcript is herewith inclosed, and I beg to recommend the suggestions which it contains to your Lordship's indulgent and serious consideration. The wisdom of the mediating Cabinets may, perhaps, strike out some better mode of surmounting the present difficulties than any which has occurred to their Representatives either here or in Persia; but at all events I cannot too strongly urge upon your Lordship the conviction which we appear to entertain in common that unless a more decided course be taken upon a clear understanding with the two Mahometan Governments the costly operations necessary to give effect to the Treaty of Erzeróom will either continue with an increased sacrifice of labour and expense, or terminate abruptly in a fruitless and discreditable failure. The consequences likely to ensue in the latter case may be inferred from the jealous and resentful feelings so often betrayed by the parties more immediately concerned, and from the numerous obstacles which our endeavours to reconcile their adverse pretensions have hitherto encountered. It must not be forgotten that the interests of humanity, of commerce, and of civilization are involved, together with important political questions, in the just and complete execution of the Treaty.

These motives for assuming a more decided tone, however powerful in themselves, can hardly be entitled to overrule that respect which is due to the rights of independent States. But I am clearly of opinion that, without a strong remonstrance from the mediating Cabinets against the spirit of chicanery, dispute, and encroachment, but too manifest in the late proceedings, without a distinct declaration on their part of the course to be pursued in future, and without an unreserved intimation of the effects which would justly result from their disappointment, if it were unhappily confirmed by a continued inattention to their counsels, no real progress can be made, and that there exists a positive necessity for adopting the most authoritative line consistent with a due observance of international principles.

Were the agents of the mediation to succeed in lifting the Commissions over their present stoppage, other impediments requiring a more decided and positive intervention would in all probability arise. But the differences of opinion with which we are now dealing, threaten of themselves to present an insuperable bar to any further advance. Both Governments, Turkish and Persian, have, indeed, instructed their respective Commissioners to repair to Kerrind with the view of resuming their joint operations in concert with Colonel Williams and Colonel Tchirikoff; but, as both also deliberately refuse to adopt the same *status quo* at Mohammarah, it remains to be seen whether their agents can be persuaded to follow up the frontier line, while a local investigation, as required by the Porte, is going on there by means of persons detached for that purpose.

As Turkey and Persia, though differing on most points, agree in their unwillingness to accept the decisions of a third party, it is very unlikely that either of them would accept the arbitration of the Mediating Commissioners. That measure, proposed as an alternative, would be attended with little effect but that of giving a better grace to the employment of decided language. Yet, were it to be adopted against reasonable calculation by one, and by one only, of the parties, a certain degree of embarrassment might ensue, and therefore it would, perhaps, be desirable to keep it in the second line as an expedient rather to be desired than expected, and reserving its application, if favoured by either party, for any differences arising in the settlement of the frontier line on an exact map of the country, as proposed to be laid down on scientific principles admitting of no divergence.

With respect to the extent of country comprised in a map of that kind, I submit that it ought to take in the whole of the disputed districts. If the expense were an objection it should be remembered that for geographical purposes alone, to say nothing of commercial interests, precise knowledge of the position, character, and direction of the heights and water-courses of those unexplored regions would be indisputably desirable. The completion of so useful a work would not only furnish a sure basis for the final

diplomatic arrangement, but greatly diminish, and almost remove, the inconveniences and risks of further delay.

The Russian Envoy assures me of his attention to transmit our joint memorandum to his Court by the next Odessa steam-packet, and we unite in an earnest hope that the two Cabinets will feel the importance of coming to the earliest possible decision on the subject of its contents.

I have, &c.
(Signed) STRATFORD CANNING.

Inclosure in No. 3.

Joint Memorandum.

LES difficultés inhérentes à l'opération de tracer une frontière longue de 200 à 300 lieues, située pour la plupart dans un pays soit de hauts montagnes, soit de plaines marécageuses, exposé à l'influence d'un climat sinistre et parsemé de tribus nomades, à peu près barbares, sont manifestes à tout le monde. Ajoutez à ces obstacles naturels le mauvais vouloir et la jalousie ombrageuse qui ne se montrent que trop souvent entre les deux Gouvernements dont il s'agit de séparer les territoires respectifs par une ligne commune, et personne ne saurait s'étonner si tous les efforts employés pour les surmonter menacent de faire naufrage.

Cependant, on se résignerait avec peine à l'abandon d'un ouvrage dont l'objet, quand même il ne serait qu'imparfaitement atteint, ne le céderait à nul autre en fait de bienveillance, d'utilité, et de grandeur. Le Traité, qui fut conclu, il y a quatre ans, à Erzeroum, imposa un terme à des prétentions qui menaçaient de rompre toute relation entre la Perse et la Turquie. Il ne faut pas oublier que ce monument d'une politique éclairée, et de la haute impartialité des Puissances médiatrices, ne fut porté à son comble qu'à travers une série de résistances opiniâtres et d'incidents malencontreux. L'opération, qui est encore confiée aux chefs de la Commission Mixte, est sans doute le complément nécessaire de la transaction. Son prompt accomplissement est l'unique moyen de réaliser complètement le but pacifique et civilisateur que les Cours de Londres et de St. Pétersbourg se sont proposé pour effet de leur entente cordiale relative à cette affaire. C'est là qu'elles doivent recueillir la digne récompense des ennuis sans nombre et des sacrifices considérables qui n'ont pas cessé d'accompagner le progrès de leurs travaux.

S'il était à supposer que l'éloignement des Commissaires Européens induirait les parties principales à se rapprocher davantage en étouffant leurs ressentiments mutuels, la même bienveillance qui a fait offrir la médiation pourrait bien le faire retirer. Mais puisqu'il est à prévoir que leur retraite dans l'état actuel de choses n'aurait autre effet que celui de rouvrir la Porte aux conséquences désastreuses d'une méfiance réciproque, et de risquer la perte de tout ce qu'on a gagné pendant plus de huit ans pour la paix, le commerce, et l'humanité, rien moins qu'une nécessité absolue semble justifier l'adoption d'une pareille mesure. De cette nécessité nous sommes encore loin de reconnaître l'existence. Nous croyons, au contraire, que le moment est, enfin, venu où les Cours médiatrices sont appelées à profiter de leur expérience pour donner une meilleure direction à la marche des opérations, et d'en assurer le succès par la franche énergie de leurs explications avec la Porte, d'un côté, et avec la Cour de Téhéran, de l'autre. Une fois que les deux Cabinets daigneront adopter notre conviction à cet égard, c'est moins la faculté d'en imposer aux parties litigantes que le choix des moyens propres à amener une conclusion équitable du procès, qu'elles se trouveront dans le cas d'exercer.

La première idée qui devait servir de guide aux Commissaires n'a pas suffi pour les dégager des embarras occasionnés par les prétentions adverses relatives à Mohammarah. La seconde n'a pas été suivie d'un résultat plus heureux. Aucune partie de la frontière commune n'est encore définie. Les Commissaires séparés par l'effet du climat et de leur peu d'entente ne sont pas encore à même de résumer leurs travaux. La Porte, après de longs délais, ne s'est prêtée que très-incomplètement à nos conseils. La Perse s'obstine encore à rejeter une portion essentielle de ceux que nos collègues à Téhéran lui ont offerts. Même de nouveaux sujets de plainte et d'irritation sont survenus sur la frontière, et la complication, loin de se dénouer, semble devenir à chaque reprise plus difficile à résoudre. Soit, enfin, qu'on ait pris le parti d'en référer aux Cours en cas de différend sur les lieux, soit que les Commissaires aient eu l'ordre de passer outre en réservant leurs droits, la démarcation s'arrête et les rapports se multiplient sans résultat.

Grâces à la Providence plus d'une sortie est encore réservée à ceux qui ne se laissent pas décourager par les perpléxités et les désagréments de ce dédale. Il y a l'abord la

voie d'un arbitrage au moyen des Commissaires Médiateurs qualifiés pour exercer cette fonction par leur désintéressement ainsi que par leurs connaissances supérieures. Il y a aussi la voie d'une démarcation scientifique par le moyen des ingénieurs Européens, qui dresseraient une carte exacte du pays des frontières dans toute son étendue sans faire attention aux questions politiques. Dans le premier cas, les parties litigantes seraient engagées d'avance à accepter la décision des Commissaires. Dans le second, elles seraient tenues à tracer sur la carte la ligne définitive des frontières conformément aux stipulations du Traité, et la ligne, ainsi tracée, serait ensuite transférée sur les lieux par une opération purement scientifique. Les Représentants de la Médiation assisteraient à la partie diplomatique de la transaction, comme les ingénieurs Turc et Persan pourraient veiller à celle de lever la carte et de tracer localement la ligne.

Dans l'espoir que cette proposition à deux cordes tirée de la nature des faits puisse fournir la solution des difficultés actuelles, nous nous imposons le devoir de la soumettre au plutôt à l'approbation de nos Cours respectives. L'alternative qu'elle offrirait à leurs Majestés le Sultan et le Schah leur rendrait, peut-être, moins déplaisant le langage explicite et sérieux qui devrait l'accompagner, si l'on veut qu'elle ait son plein effet.

Il est probable et presque certain que l'idée de baser la démarcation sur une carte scientifique dressée d'avance serait préférée par la Perse ainsi que par la Porte, et surtout par celle-ci, à la proposition d'ériger en arbitres absolus les Commissaires Médiateurs. Il faudrait, pourtant, se préparer à la possibilité d'une option faite en sens inverse par chacune des deux.

Il serait, en même temps, fort à désirer que les Cours Médiatrices profitassent de l'occasion pour tirer au clair l'espèce de disparate qui est censée exister entre les termes de l'Article II du Traité d'Erzeroum et les explications échangées avant la ratification du Traité entre la Porte et les Représentants d'Angleterre et de Russie à Constantinople. L'incertitude qui en résulte relativement aux alentours de Mohammarah et l'insistance que les deux parties mettent chacune à sa propre interprétation constituent la source principale des différends qui retardent le progrès des travaux communs sur la frontière. L'urgence de remédier à ce mal par une énonciation claire et nette de la véritable portée de l'engagement contracté mutuellement par les deux Cours Musulmanes à cet égard ne saurait être mise en doute. Et comme la ligne mitoyenne, proposée par les deux Commissaires Européens à la commune adoption de leurs collègues Musulmans, n'a été tracée que par suite d'une recherche aussi impartiale et approfondie que possible sur les moyens de remplir la clause du Traité concernant Mohammarah et ses environs d'une manière équitable et conforme aux avantages mutuels des deux parties litigantes, les deux Cours Médiatrices ne sauraient en apparence leur donner d'avis plus salutaire et plus pratique que celui de recommander très sérieusement à la Turquie comme à la Perse la prompte et complète acceptation de la dite ligne.

En attendant que les Cabinets de Londres et de St. Pétersbourg jugent à propos de se concerter par rapport à notre proposition, et de nous donner respectivement des instructions relatives au résultat de leurs délibérations, nous nous proposons de faire ce qui dépend de nous pour hâter la reprise des opérations de la Commission Mixte, conformément à la base acceptée par les Cours Musulmanes à de certaines conditions, qui offrent encore des éléments de retard et de désaccord. Quand même nos Gouvernements respectifs n'approuveraient pas la manière de procéder que nous comptons soumettre à leur haute sagesse, il serait, néanmoins, indispensable que nous fussions autorisés, et que nos collègues à Téheran le fussent aussi, à déclarer distinctement soit à la Porte, soit à la Perse, l'attente des hautes Cours à ce que les Commissaires de l'une et de l'autre partie agissent dorénavant avec plus de conciliation, de bonne foi et de respect pour l'opinion de leurs collègues Européens, et en même temps l'obligation qu'elles se sont imposée de faire exécuter loyalement et complètement les stipulations du Traité, à la conclusion duquel leurs Représentants ont présidé.

En résumé, nous sommes profondément pénétrés de la presque impossibilité d'écarter, sans une intervention plus directe et décidée de la part de nos Cours respectives, les écueils qui obstruent le progrès de la démarcation et rendent problématiques les avantages qui devraient en résulter. Notre appréciation des circonstances et des ressorts en jeu ne peut indiquer d'autre voie de résoudre les difficultés que celle dont nous avons ci-dessus proposé l'examen et recommandé l'adoption. La saison dont nous approchons, tout en offrant la perspective d'une tranquillité mieux assurée aux frontières, promet de faciliter la reprise des opérations. Nous voyons dans cette dernière circonstance un motif de plus pour solliciter la décision de nos Gouvernements et l'honneur d'être munis un moment plutôt de leurs instructions.

Viscount Palmerston to Sir G. H. Seymour.

My Lord,

Foreign Office, October 11, 1851.

I INCLOSE herewith a copy of a despatch from Sir Stratford Canning* on the subject of the present state of the Turco-Persian boundary negotiation, and I have to instruct you to say to the Russian Government that Her Majesty's Government have received and have duly considered the Memorandum drawn up on this matter by Sir Stratford Canning and M. de Titoff, and that Her Majesty's Government are confirmed thereby in the opinion which they have for some time past been led to entertain that the boundary between Turkey and Persia can never be finally settled except by an arbitrary decision on the part of Great Britain and Russia.

It is manifest that if the settlement of this line is to depend upon an agreement between the Turkish and Persian Governments and Commissioners on all the disputed questions which have arisen, and which may still arise, in regard to this boundary, the duration of the Commission may be indefinitely prolonged, and the expense which will thereby be occasioned to the two Mediating Governments must be increased to a very large amount.

Her Majesty's Government would, therefore, propose to the Government of Russia a course of proceeding founded upon the suggestion of Sir Stratford Canning and M. de Titoff, and they would accordingly suggest that the line of frontier should be traced on a map by the Diplomatic Agents of the two Powers at Constantinople, with the assistance of the two Commissioners, and that this line should be drawn as nearly in conformity with the stipulations of the Treaty of Erzeroom as the existing knowledge of the country will admit, but leaving for decision on the spot those portions of the line the precise ascertainment of which must depend upon local and at present unascertained circumstances. That a copy of this map, signed by the two Diplomatic Agents at Constantinople, should be delivered to the Turkish and to the Persian Governments, as a preliminary fulfilment of the stipulations of the Treaty of Erzeroom. That the two Mahometan Governments should at the same time be informed that the British and Russian Commissioners will proceed without delay to mark out that boundary on the ground, and that in doing so they will be ready to hear and to take into consideration any remarks, suggestions, or objections which either of the Mahometan Commissioners may make; but that the British and Russian Commissioners will decide and determine, according to the best of their own judgment, all doubtful and disputed questions which may arise in the course of their operations.

Her Majesty's Government would propose that as the Commissioners go on with their survey, they should not only establish proper landmarks on the ground, but should also lay down the boundary on a map on a suitable scale; and that when the work shall have been finished, a complete map of the whole boundary should be made out, four copies of which should be prepared, one for each of the two Mahometan Governments, and one for each of the mediating and arbitrating Governments, each copy to be signed by the British and Russian Boundary Commissioners; and that the Turkish and Persian Governments should officially be informed by the mediating Powers, that such boundary, so marked on the ground, and so described on the map, is to be the true boundary between Turkey and Persia, as fixed by the Treaty of Erzeroom. That the mediating Powers expect and require that this boundary shall be observed and respected by both parties, and, moreover, that if either of the two parties shall violate or infringe upon that boundary to the prejudice of the other party, the party so transgressing must expect to see the two Powers give their aid and support to the other party whose legitimate rights will thus have been invaded.

It seems to Her Majesty's Government that in this way, and in some such way alone, this difficult and expensive operation may be brought to a just and final conclusion within a reasonable space of time.

I am, &c.

(Signed) PALMERSTON.

No. 5.

Sir G. H. Seymour to Viscount Palmerston.—(Received November 8.)

My Lord,

St. Petersburg, October 29, 1851.

I HAVE lost no time in placing in Count Nesselrode's hands your Lordship's despatch of October 11, relating to the Turco-Persian frontier.

The Chancellor expressed his satisfaction on finding that your Lordship's views upon this important question agreed so closely with his own, and requesting permission to retain possession of your despatch for a day or two, promised to speak with me further upon the subject.

His Excellency, however, appeared to be prepared at once to send off instructions to the Russian Mission at Ispahan in the sense of your Lordship's despatch. But he had one observation to make. He had remarked, his Excellency stated, that it was proposed that when once the Turco-Persian boundary should have been accurately traced, the support of the two mediating Powers should be afforded to that Government of the countries (Turkey and Persia) which might suffer from the encroachments of the other; that he wished, therefore, to be understood that he considered the promised support as applicable not to armed intervention, but to an *appui moral* on behalf of the injured party.

I told Count Nesselrode that I understood your Lordship's proposition to bear the sense which he affixed to it.

I have, &c.

(Signed) G. H. SEYMOUR.

No. 6.

Earl Russell to Sir A. Buchanan.

Sir,

Foreign Office, April 5, 1865.

WITH reference to Lord Palmerston's despatch of the 11th of October, 1851, to Sir Hamilton Seymour, and to the arrangement which was at that time made with the Russian Government for the settlement of the disputed questions in regard to the Turco-Persian boundary, I have to acquaint you that Captain Glascott has reported to me that three sets of maps of the Turco-Persian boundary are now completed; and I have to instruct you to ascertain whether the copies of the maps which have been entrusted to the Russian engineers are also completed.

If so, you will then ascertain the opinion of the Russian Government as to the next step to be taken in the matter.

The maps, as Her Majesty's Government understand, do not lay down a line of boundary, but only represent a district of country, varying in width, within which the line of boundary is ultimately to be laid down by special Commissioners appointed for that purpose. But it seems to Her Majesty's Government that, if recourse is to be had to this proceeding, the labours of the Commission will have to recommence with only this difference, that the boundary line must be marked somewhere within the compass of the maps. Her Majesty's Government would, however, think this a very unsatisfactory result; the length of time and the expenditure of money incurred up to the present day are both so great as to disincline Her Majesty's Government from taking part in a renewed Commission.

It would seem, therefore, either that the maps as now completed shall be placed in the hands of the Turkish and Persian Governments with the expression of an opinion on the part of the two mediating Powers that the line of boundary is to be found within the limits traced on the map, and that the two Mahommedan Governments should themselves mark out that line, and in the event of any difference arising between them in regard to any particular locality, the points in dispute should be referred to the decision of the Governments of England and Russia; or that the two mediating Powers should express their willingness, if requested by the two Mahommedan Governments, themselves to lay down a line on the map to be accepted by those Governments as the future line of boundary between the respective dominions of the Sultan and the Shah.

I am, &c.

(Signed) RUSSELL.

Sir A. Buchanan to Earl Russell.—(Received April 17.)

My Lord,

St. Petersburg, April 12, 1865.

WITH reference to your Lordship's despatch of the 5th instant, on the subject of the Turco-Persian boundary, Prince Gortchakoff was not aware, when I saw his Excellency yesterday, whether the maps confided to the Russian Engineers are ready, but he promised to inquire and let me know.

He seemed unwilling, however, to enter into discussions as to what may be the best course to pursue with a view to the eventual settlement of the question until after Easter, as the time of all Russians is much occupied during this week with religious observances.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 8.

Sir A. Buchanan to Earl Russell.—(Received May 1.)

My Lord,

St. Petersburg, April 22, 1865.

WITH reference to my despatch of the 12th instant, on the subject of the Turco-Persian boundary, I have the honour further to report to your Lordship that Prince Gortchakoff having informed me that the maps confided to the Russian Engineers have been for some time completed, I have read to his Excellency your Lordship's despatch of the 5th instant, instructing me to ascertain the opinion of the Russian Government as to the next step to be taken in the matter, and expressing the objections entertained by Her Majesty's Government to any course of action which would require the dispatch of another Commission to trace the line of boundary to be found within the limits laid down on the map. I believe that your Lordship will find the Russian Government disposed to concur in that opinion. But Prince Gortchakoff said he was not prepared to give an answer as to the suggestion in your Lordship's despatch, that the two Mahommedan Powers should themselves mark out the line of boundary, and in the event of any difference arising between them in regard to any particular locality, that the points in dispute should be referred to the decision of the Governments of England and Russia, or that the mediating Powers should express their willingness, if requested by the two Mahommedan Governments, to lay down a line on the map, to be accepted by those Governments as the future line of boundary between the respective dominions of the Sultan and the Shah.

Prince Gortchakoff said that before expressing any opinion on these suggestions, he would require to consult General Ignatieff, and to communicate also with the Russian Legation at Teheran. He requested me, therefore, to leave your Lordship's despatch with him, to enable him to take a note of its contents.

I have, &c.

(Signed) ANDREW BUCHANAN.

TURKEY AND PERSIA.

Correspondence respecting the Demarcation of the
Frontier between Turkey and Persia.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

CORRESPONDENCE

RESPECTING

PROTESTANT MISSIONARIES
AND CONVERTS

IN

TURKEY.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting Protestant Missionaries and Converts in Turkey.

No. 1.

Sir H. Bulwer to Earl Russell.—(Received July 30.)

My Lord,

Constantinople, July 18, 1864.

A CASE of some difficulty and danger has arisen, and which may probably create a disagreeable impression in England. There are four or five Mussulmans who have been converted of late years to Protestantism. These converts have been going about preaching publicly against Mahometanism, and have done so especially, I understand, in "khans" or inns, where rooms are let to travellers and strangers, which are consequently resorted to by the more fanatical people from the interior.

For some time past this sort of public attack on their faith, by persons who have deserted from it, has been getting up a strong sentiment of indignation amongst the Mussulman population of this capital.

The renegade Turk is looked upon by them with horror; and his public revilings against the religion he has abjured, and which they profess, is considered a public insult.

The head of the police, who is a very moderate and prudent man, has, I know, long been anxious about this state of things, and about protecting the lives of the converts in question, which have been more than once in danger, as he says, though without their knowledge, from conspiracies which he detected.

Within the last few days I am told that one of these men was arrested and then liberated, and it is questionable whether one or two more are not now in prison. The shops where the Bibles were publicly sold have, I also hear, been closed, as well as the places where the public preachings took place.

As I have only just heard of these facts, I have not yet had time to receive explanatory information concerning them; but I have no doubt that the explanations will be in reference to the state of feeling which I have described. I do not believe that the Government itself cares about these attempts at conversion from any religious apprehension on the subject; but it is fearful of the public mind, in a large city like this, being excited, and no doubt if one affray took place, and any of the preaching in question provoked a tumult in which blood was shed, it would be impossible to foresee the consequences, since the conduct of the military in such a dispute would always be a matter of doubt.

I shall obtain the release of any person arrested for preaching. I shall endeavour to obtain the quiet sale of the Bible still permitted unostentatiously in their own houses, and these men allowed to preach; but I have told Mr. Curtis, an English clergyman connected and intimate with these converts, that they had better keep quiet for a time.

A strong religious excitement amidst the population of a large town like this is just one of those things which a Government cannot deal with, and more would be lost than gained, in my opinion, by any course that would still further provoke this excitement, which, if allowed to die out, will soon do so.

I have sent the names of the persons said to be arrested to the Minister of Police, in order to ascertain whether such arrests have really taken place.

I have, &c.

(Signed) HENRY L. BULWER.

No. 2.

Sir E. Hornby to Earl Russell.—(Received July 30.)

(Extract.)

Supreme Consular Court, Constantinople, July 20, 1864.

I HAVE the honour to inform your Lordship that the Turkish authorities have, without previous communication to me, closed the private rooms of three English clergymen of the Church of England, and also the book-store of the British and Foreign Bible Society, which has been established here for a great many years. They also arrested the Rev. Mr. Curtis, but released him.

As under the Capitulations, and according to established usage, the Turkish authorities have no power to close houses or shops in the occupation of British subjects, without the consent of the British authorities being first obtained, I immediately put myself in communication with the Minister of Police, who refused to give me any explanation, simply stating that he acted under orders. Under these circumstances I felt it to be my duty to protest and to forward the case to his Excellency the Ambassador. I am quite at a loss to conceive the motive which has induced the authorities to act in this arbitrary manner. They have never made any complaint to me of the conduct of these clergymen, nor of the Society. Had they done so, and had I found that there was any just foundation for such complaint, I should have immediately, under the authority conferred upon me by the Order in Council, have entertained it and investigated the fact.

I have confined my action simply to protesting against a departure by the local authorities from established usage sanctioned by Treaty, in closing shops without first obtaining the sanction of British authority, and I have left the matter in the hands of his Excellency the Ambassador.

No. 3.

The Rev. Ernest Hawkins to Earl Russell.—(Received August 2.)

*Society for the Propagation of the Gospel in Foreign Parts,
79, Pall Mall, London, August 1, 1864.*

My Lord,

I CONSIDER it to be my duty to transmit for your Lordship's information the subjoined extract from a letter of the Rev. Charles G. Curtis, M.A., the Society's Missionary Chaplain at Constantinople, on the subject of some apparent infringements of the rights of British subjects by some agents of the Turkish Government.

I have, &c.
(Signed) ERNEST HAWKINS.

Inclosure in No. 3.

Extract from a Letter of the Rev C. G. Curtis, dated Pera, July 20, 1864.

NOW I must tell you of a very pressing matter. Attempts were made last Sunday to arrest our converts. Some have been imprisoned, and we know not where one is. Mr. Williams* was seized on Sunday, 17th July, and released without charge alleged. The meeting rooms have been closed and sealed, and sentinels set at their doors to watch day and night. The Bible Society's agents have been forced out of their offices, it may be said at the point of the bayonet. Yesterday, 18th, I went to Stamboul to see our room. I was seized by the sentinel, who called two other policemen. He would not at first let me go; the others did nothing. Their captain at last came, and I went.

No. 4.

Sir H. Bulwer to Earl Russell.—(Received August 5.)

(Extract.)

Constantinople, July 27, 1864.

I MUST endeavour to give your Lordship a hasty account by this opportunity of a disagreeable affair which has been going on lately here, and which has caused me much trouble and anxiety.

* A Turkish clergyman.

Your Lordship is aware that the translation of the Bible has been freely allowed for some time past to be sold in the Ottoman dominions, and I even obtained leave that it should be printed here. People of all descriptions, including some few Turks, have been allowed to become Protestants; service in Turkish by one of the Turkish converts has been, within the last one or two years, performed without molestation twice every Sunday, in the Rev. Mr. Curtis' school-room, which he calls a chapel: in fact, I cannot but acknowledge that a spirit of tolerance rare to find, even in Christian countries the most tolerant, has been manifested in this country by the dominant religion towards those who are of the Protestant faith.

It appears, however, that the Government has been somewhat tried of late on the score of toleration. The Bible has not only been sold in shops, but put into the hands of Turks gratuitously, if I am rightly informed, in streets and steam-boats in such a manner as necessarily to attract public attention. A room was also taken by Mr. Curtis in one of the public khans or inns, in the centre of Constantinople, surrounded naturally by Mahometans, and to which Mussulman travellers from the interior of Asia are likely to resort, and in this room lectures condemnatory of the Mahometan creed were given by Turkish converts to those who thought proper to attend.

It appears, also, that another room was taken by a Mr. Pfander in another inn similarly situated, in which room lectures like those delivered in Mr. Curtis' room were given in the same way by himself and Turkish converts; and books in Turkish attacking the Mussulman faith were delivered gratis to all who asked for them. This state of things, I am assured, and I think I am assured correctly, produced a certain effervescence in the public mind at Stamboul. What particularly galled the Turks was the sight of Turkish converts, apparently under foreign protection, meeting in such a place as a khan or inn, and preaching against the dominant religion of the Turkish Empire.

Your Lordship is aware that both Fuad Pasha and Aali Pasha are the heads of the liberal party, and amongst those who have been the staunchest advocates of toleration towards Christians. The practices which I have described was a great gain to their opponents, who I rather think represented to the Sultan that these statesmen were tacitly encouraging a persecution of the Mussulman faith. Combinations, I am told, began to be formed, and plots hatched against the lives of the converts and for the destruction of the shops in Constantinople where the Bible had been sold.

I have been told by the Minister of Police that the language of the multitude was this:—"Do these people want to pray to God in their own way? let them do so in their churches. Do they want to open schools? let them then follow the regulations under which schools are established. But if they do not want to practise or teach their own faith, but to make public war in our own country against our faith, and to encourage our people to join them in this war,—then they are abusing our hospitality and protection, and under the mask of friendship acting as our bitterest foes. This is not right or just, and 'Allah' would not look upon us with favour if we submitted to it."

The Government, at all events, whether actuated by fears of a tumult and murder, or by a regard, as they say, for the principles which they have always professed, and which were being brought into jeopardy, having ascertained, as they considered, that the public preaching and distribution of Turkish tracts against Mahometanism, and the sale of Bibles, were all more or less under the same sort of patronage, and in fact that meetings of the missionaries, including those who took the rooms at the inns, as I have described, always took place in the establishment where Bibles were delivered and sold, closed the rooms I have alluded to in the khans, and also closed the Bible shops, whilst they arrested some of the Turkish converts, who had been the most active, as they say, in denouncing the doctrines they formerly held, and in inducing others to follow their example. Your Lordship may naturally judge of the excitement which these acts produced, and I must add that whatever grounds this Government had for taking the measures it adopted, it placed itself under a grave responsibility, and put Her Majesty's Embassy in a very difficult position, by taking such measures so suddenly, without any previous communication with it or the Consular authorities.

As to the rooms in the inns: these inns are let to a Turkish subject, and I doubt whether the Porte had not the right to close the rooms in those inns on their own authority; but one of the shops at least where Bibles were sold seems to have been regularly leased by an Englishman of the name of Sellar, and it is therefore clear

that this shop should not have been touched without previous application to us. The missionaries considered that the closing of the Bible shops was a proof that the circulation of the Bible was no longer to be permitted. They said likewise that the converts who had been arrested were to be severely punished, simply for having become Christians. Nor were there wanting people who, considering that the preaching in inns, and propagating tracts from rooms in these inns, against the dominant creed, was a quiet and inoffensive proceeding such as could not be displeasing to Mussulman minds, argued that the story of there being any excitement on the subject was a pure fiction, and that the whole was a political intrigue of Fuad and Aali Pashas, with the object of gaining the fanatical party to crush Protestantism and insult England.

I confess that this view appeared and appears to me preposterous: the only leading position which Fuad and Aali Pashas hold is as head of the tolerant party, and to attempt to give power to the fanatical party would be an attempt at their own suicide. Neither can they have any rational or interested motive for crushing Protestantism or for insulting England, and it is more natural to suppose that whilst acting hastily and indiscreetly, they acted in the manner which they thought best calculated to prevent the more violent and influential Mussulmans from making capital out of the imprudences which I cannot but think the missionaries and converts had from mistaken zeal committed. Of course this is a matter of opinion and speculation, the facts remaining as I have stated them. At all events, I thought my duty was to take a calm and general view, and whilst maintaining British rights not to confound them with questions in which such rights were not involved, but to endeavour to allay irritation on all sides.

I required, then, from the Turkish Government that the rooms in the khans and the shops belonging to the Bible establishment should be opened, allowing that their contents should be ascertained, and that a satisfactory reparation should be given in any case where it was shown that a place legally entitled to our protection had been entered without authority.

I demanded also whether the free sale of the Bible was to be interfered with, urging that it should still be fully allowed, but admitting that I could not complain of Turkish books of controversy attacking the Mahometan religion being seized, or their circulation prohibited.

I required furthermore that persons professing the Protestant faith, of whatever nationality, might be allowed to practise its religious observances quietly in their own dwellings and amongst their own friends, or in public places of Protestant worship; but I did not pretend to maintain the right of preaching or teaching in inns or coffee-houses, or other places of this description, which was always likely to disturb public tranquillity, and far more calculated, in my opinion, to mar than advance the progress of Christianity in these countries.

Fuad and Aali Pashas assured me that it was in no wise their intention to prevent the sale of Bibles in a regular and legitimate manner in shops destined for that purpose; that Protestant observances carried quietly on in dwelling-houses, or in places of Protestant worship, would be fully sanctioned. For any irregularity committed every apology is tendered.

The Bible shops and the rooms in the khans were opened and searched. I am happy to say that neither in the Bible shops nor in Mr. Curtis' room in the inn were books found directly attacking the Mahometan religion. In Mr. Pfander's rooms they were found in quantities, and manuscripts were also found proving that of many of these works Mr. Pfander was himself the author.

What I find most difficult to treat is the case of the Turkish converts under arrest. Fuad and Aali Pashas consider that we have no right to regard these men as Englishmen simply because they have become Protestants: in this I agree. They then go on to say that these people did not only change their faith, which they were at liberty to do, but attacked Mahometanism, which was a different affair. They add, however, that, even on this occasion, it was not their intention to punish or persecute such people; that Turks who had become Protestants, and who acted even as Protestant priests, were left free and unharmed: but that these persons had rendered themselves peculiarly obnoxious; that one was formerly an Imaum, or priest, another a soldier; that, for one cause or another, the six or seven arrested would be in danger of their lives here, and might at any moment, by their presence, create a disturbance, and that it was absolutely necessary, for their own sakes, that they should be removed for a time from Constantinople.

I was at first disinclined to this, because I can easily foresee that their removal

from the capital would be said to be a disgraceful exile, and that the only ground admitted will be that they had changed their religion. But, on the other hand, it is true that the Turkish Government does not interfere with converts, whom, if they wished to punish men simply for having changed their religion, they would punish the first; and I have also ascertained that the lives of the converted Imaum and zaptieh, or soldier, might really be in peril. I feel, then, I should take upon myself a great responsibility if any accident of this kind, owing to their stay here, was to ensue; and I am not indisposed to think that if the persons in question are removed for a time, without any mark or stigma of disgrace, to some place or places where an English Consul can see they are fairly treated, and that the Turkish Government would ensure something to their families during their absence—their usual gain is about 3*l.* 12*s.* per month, which the missionaries in fact paid—then this arrangement would not be a bad one; at all events, your Lordship will judge by this narrative, however hasty or imperfect, of what has taken place in the question I have been treating, and in what position it now stands.

I cannot pretend to say that I shall satisfy all parties; the missionaries especially would prefer naturally that everything was made easy for their task, and some, no doubt, are also ready to affront dangers, and become and encourage others to become martyrs. But I cannot look at things entirely from their point of view. Some of them tell me that they consider that they were induced to come here in the belief that in this country there existed religious liberty, and they consider that religious liberty consists, not in every one being allowed to follow his own religion, but in every one being allowed to attack the religion of his neighbour.

Whatever may be said on this subject theoretically, practically I am convinced that the Mussulman Government and people would not allow an open crusade to be carried on publicly against their own religion in their own land, and that if this is attempted, a controversial war will soon become a religious conflict. Nor would the Turks stand alone in resisting this. Other Christian Governments who do not take the same interest in Protestantism that we do, would not like to see the lives and fortunes of their countrymen jeopardized by Protestants exciting a general animosity against Christians.

No. 5.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, August 11, 1864.

I HAVE received your Excellency's despatch of the 27th ultimo, respecting the excitement which has lately occurred in Constantinople in regard to the teaching and preaching of the Protestant religion in that capital; and I have to state to your Excellency that the course pursued by you in this matter is entirely approved by Her Majesty's Government.

I have, however, to state to your Excellency that care must be taken that the lives of the converts are safe in the distant places to which they may be sent; and with this view, those places should be pointed out to your Excellency, and you should inform the Consuls of Her Majesty in those places of the arrangement so made.

I am, &c.

(Signed) RUSSELL.

No. 6.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, August 11, 1864.

WITH reference to my preceding despatch of this day's date, upon the subject of Protestantism at Constantinople, I have to state to you that missionaries should have liberty to sell Bibles, and to preach Christianity in chapels and private houses; and Turks should not be punished for becoming Christians. Lord Stratford procured a promise to that effect. But preaching in khans, which are public places cannot be protected by foreign Ambassadors, as it has an evident tendency to disturb the public peace.

The sentiments avowed and practised by the Grand Vizier and Aali Pasha are those of toleration, and they should not be driven from their position by exciting the fanaticism of the Turks at Constantinople.

I am, &c.
(Signed) RUSSELL.

No. 7.

Memorial from the British and Foreign Bible Society.

To the Right Hon. the Earl Russell, Her Majesty's Secretary of State for Foreign Affairs.

The Memorial of the Officers and Committee of the British and Foreign Bible Society.

THE Committee of the British and Foreign Bible Society most earnestly request the attention of Her Majesty's Secretary of State for Foreign Affairs to the recent proceedings of the Turkish Government at Constantinople, by which a gross insult has been offered to their agents resident there, and a grievous wrong done to the Society which your Memorialists represent.

Without any warning previously given, or any ground on which to justify the course taken but their own unfounded suspicions, the Turkish Government expelled the officials of the British and Foreign Bible Society from their own depôt, locking and sealing the doors, which they afterwards guarded with armed police, and refusing all access to the premises for the space of two days.

Such proceedings are in direct violation of pledges frequently given by the Sultan, as well as his Responsible Ministers, to the effect that full religious liberty should be granted to all classes of his subjects, and that no penalty should attach to the profession of the Christian faith.

As long ago as March 1844 Sir Stratford Canning wrote to the Earl of Aberdeen to the following effect:—"The Sultan gave me his Royal word that, henceforward, neither should Christianity be insulted in his dominions, nor should Christians be in any way persecuted for their religion."

In January 1856 Lord Stratford de Redcliffe forwarded to the Earl of Clarendon a Memorandum, in which he set forth the views of the British Government on the subject of religious liberty.

He urged that religious toleration shall be fully carried out so that no one shall be insulted on account of his religious opinions.

In the same year, in a note addressed to the Porte, Lord Stratford de Redcliffe speaks still more strongly; he says, "The British Government distinctly demands that the Mahometan who turns Christian shall be as free from every kind of punishment as the Christian who embraces the Mahometan faith." And finally, as the result of these noble efforts in the cause of toleration and religious liberty, a Firman and Hatti-Sheriff was granted, in February 1856, which declared:—

"As all forms of religion are and shall be freely professed in my dominions, no subject of my Empire shall be hindered in the exercise of the religion he professes, nor shall he be in any way annoyed on this account."

Unless all the labour hitherto bestowed on this all-important question is to be thrown away, and a retrograde movement is to take place in the policy which, for many years past, has been pursued, your Memorialists venture to express their opinion that the recent indignity perpetrated by the Turkish Government upon agents of this Society calls for loud remonstrance and decided action on the part of the British Minister in upholding the law. It has produced intense indignation in the minds of all classes,—European Christians resident at Constantinople, as well as of the members of the American and Dutch Legations,—who all feel that to permit such proceedings to pass without redress would be to sacrifice all that security of person and property on the attainment of which so much labour has been bestowed, and for the guarantee of which the most solemn engagements have been given.

The present is not the only instance in which the Turkish authorities have recently acted at variance with their professions of religious toleration, and in which the Representative of the British Government at Constantinople has failed to maintain the principles of religious liberty which had been already conceded.

As the copies of the Holy Scriptures circulated by the British and Foreign Bible Society at Constantinople are subject to duty, prescribed by the Turkish Tariff, the Society is entitled to claim the fullest liberty of disposing of these Scriptures, by sale or otherwise, throughout the whole Turkish Empire; a liberty which must be guarded with the utmost jealousy, in consequence of its inseparable connection with the sacred freedom of conscience and religious worship secured by the Sultan to all classes of his subjects by the Hatti-Humayoun of 1856.

Notwithstanding this, however, a colporteur in the employment of the Society, usually resident at Shumla, in Eastern Bulgaria, was, in the year 1862, subjected to insult and imprisonment, and finally prohibited by the Pasha of Silistria from selling the Scriptures within that Pashalic.

The Rev. Dr. Thomson, the agent of this Society at Constantinople, laid these facts before the British Ambassador, and sought for a removal of these unjust and illegal restrictions, but no redress was obtained nor any answer given.

If any dependence may be placed upon reports now in circulation, the Porte has it in view to forbid the sale of the Scriptures altogether by our colporteurs, a restriction which would be most unjust and offensive, since these men take no part in religious controversy, never even preach the Gospel or distribute tracts, but confine themselves wholly to the sale of Scriptures, without note or comment.

The Committee of the British and Foreign Bible Society cannot contemplate without alarm the persecution to which converts from Mahometanism have been exposed, the only reason given for their imprisonment and banishment being the same that was alleged nine years ago, viz., that such a step was necessary "to evade the violence and deceive the bigotry of an exasperated populace."

They have reliable information that no such violence is to be apprehended, and they have every reason to believe that firmness shown by the Representatives of the British Government in maintaining the law would have obviated all difficulties, the existence of which they now deplore.

If religious liberty in Turkey is to be a reality, and not a mere name, they earnestly entreat Her Majesty's Government not to permit the most solemn pledges of the Ottoman Porte on this vital question to be disregarded, but to claim the fulfilment of those engagements which Lord Stratford de Redcliffe laboured with such happy results to obtain.

They submit this grave question with all the more confidence to your Lordship's judgment, from a conviction that, having devoted your life to the cause of civil and religious liberty, you will not allow this liberty and freedom of conscience to be violated with impunity in any country in which the indignant remonstrance of the English nation can be successfully made.

On behalf of the officers and Committee,

(Signed) SHAFTESBURY, *President.*

(Signed) CHARLES JACKSON, *Secretary.*

No. 8.

Sir H. Bulwer to Earl Russell.—(Received August 13.)

My Lord,

Constantinople, August 1, 1864.

THE Committee of the Evangelical Alliance have addressed me two or three letters on the subject of the negotiations I have lately been having with Aali Pasha relative to the closing of rooms taken by certain missionaries in inns; closing of the Bible shops; and the arrest of certain Mussulmans who have been converted to Christianity.

I thought it better to defer answering these letters till I saw my way through these negotiations.

Having, I believe, pretty well brought them to a conclusion, I fulfil my promise this day.

I have written fully and frankly, bringing forward as fairly as I could the whole case at issue; and copy of my letter is inclosed.

I have, &c.

(Signed) HENRY L. BULWER.

Inclosure in No. 8.

Sir H. Bulwer to the Secretary of the Committee of the Evangelical Society, Constantinople.

Sir,

Constantinople, August 1, 1864.

I PROMISED that I would write to you fully on the first opportunity, relative to the circumstances that have lately occurred, and the result of the communications which have taken place between myself and the Ottoman Government relative thereto.

The Ottoman Government asserts that rooms having been taken in Turkish inns situate in the Mussulman quarters of Constantinople, either in their own name or that of others, by certain Protestant missionaries, these missionaries, either themselves or through Mussulmans converts to Christianity, gave lectures or lessons or preached sermons in Turkish in those rooms, intended to show the unsound foundations of the Mahometan religion, and calculated and meant to bring it into discredit, and to which all persons were admitted. It adds, that books written in Turkish, and also directed against the Mahometan religion, were distributed gratis in one or more of these rooms.

The Ottoman Government says it considered this conduct as a public and an unjustifiable attack on the Mussulman religion, likely to promote disorder and to irritate all classes of Mussulmans, and by so doing to arouse indignation against Christians and the Christian religion, and to interfere with that toleration it desired to practise. For these reasons it closed the rooms I am alluding to, and it will not allow, either in those or in other rooms in inns, similar practices.

The Ottoman Government adds, that the missionaries connected with the proceedings which I have just described as going on in the rooms of the inns aforesaid, appeared to the public to be connected with the Bible Society—missionary meetings, at which these missionaries above spoken of assisted, often taking place in the Bible Society's establishment, and that a report had got about which would certainly have led to immediate violence and might possibly have obliged the Government to restrain the liberty it had granted as to selling Bibles—a report to the effect that the Bible establishment was also a depôt of books of controversy directed against the Mussulman faith. For these reasons the Ottoman Government likewise closed the shops belonging to the Bible Society, and having sealed the doors, put guards to protect them until such time as an examination should take place.

With regard to the rooms at the inns, I think there can be no question as to the truth of the main facts brought forward, although exaggeration as to details may have taken place: the great question, however, that arises is, as to whether the Ottoman Government is bound to allow what it says it will not allow.

With regard to the Bible shops, the Bible establishment having been taken by an Englishman in a legal and formal manner, there can be no doubt as to the impropriety of having interfered with the premises thus guaranteed, without first informing the British authorities, unless indeed some case of a very urgent necessity existed. The Ottoman Government considers that the police might fairly have thought that such a case existed; but, nevertheless, it makes every apology, and gives for the future every assurance that can be expected on this subject. I do not, however, in anywise approve of its having acted in all or any of these matters as it did without previous communication with Her Majesty's Embassy. It has, however, had the Bible shops re-opened, and has declared that Bibles may be sold there and in all other shops or places specially destined for that purpose, as heretofore; but it objects to Bibles being hawked about the streets and steam-boats, as this excites attention, irritates the populace, and may lead to an opposition as to the quiet sale of the Bible, which the Government is not disposed to interfere with. It only prohibits the sale or distribution of books which are directed against the Mussulman belief.

The Ottoman Government adds that in preventing preaching and lecturing in inns and such places against Mahometanism it does not mean nor wish to interfere with Protestants of every description meeting for the purpose of following their own worship in places religiously established for that object, nor indeed does it mean to prevent Protestants following their religious observances, whether they be foreigners or natives, quietly in their own houses and with their own friends, if this is done in a manner not to create disturbance.

In short, the question openly and fairly treated, narrows itself to this point. The Ottoman Government is willing to allow Protestants and all Christians to

exercise their own religion in the Ottoman dominions, in churches or quietly at home, but it will not allow any attempts, public or private, to assail the Mussulman religion. It will allow Mussulmans to become Christians, but it will not allow them, any more than it will other Christians, to go about speaking publicly against Mahometanism. It says its policy is to protect all religions, and not to allow persons of one religion to attack another. If I am not mistaken, you contend that you have a right, though in a foreign country, to preach against the dominant religion of that country, and to endeavour privately and publicly to show the errors of the dominant faith. The Turkish Government thinks you insult the Mussulman religion when you endeavour to prove to the Mussulman public that it is false; you think the Turkish Government oppresses the Christian religion when it does not allow you the liberty of doing this. Confident in the justice of your own views, you call on me to support them. I shall of course refer this case to Her Majesty's Government, and it might be sufficient if I said that I would do so and stopped there; but I think it more manly and straightforward to tell you what at present are my own notions.

I have looked to see on what grounds I could support what I understand to be your opinions.

I see that the Turkish Government has promised not to insult Christians or Christianity; I see that it has recognized the Protestant religion as existing amongst the religions allowed in this country and laid down rules to regulate and protect it; I know that it says that all persons may quit the Mahometan for the Christian faith and are not to be persecuted for this act: but I do not see anywhere that the Mahometan Government of this country has promised, directly or indirectly, to protect Protestants in trying to overturn the Mahometan religion.

I cannot help saying, on the other hand, that I have always disapproved of attacks on the Mahometan religion in Turkey, whether by speech or writing. I do not think it quite a fair return, as Englishmen, for the hospitality afforded us as Englishmen, nor quite a fair return as Protestants for the religious liberties we already enjoy as Protestants. I do not, moreover, deem such a conduct either prudent or politic.

A Government can only do in matters of toleration what the spirit of its people will allow it to do. It is one of those questions on which the will of a Government must bend more or less to the will of the nation. We ourselves, in our different colonial establishments, bow somewhat to this rule. I do not think it wise, therefore, when we have so many religious privileges granted to us throughout so wide an empire as this,—privileges which could not be granted by a Mussulman Sovereign and Government if the Mussulman people were aroused violently against us as Protestants or Christians,—to follow a course likely to produce irritation and animosity amongst the Mussulmans. I own to you fairly that my opinion is against the taking rooms in inns in Mussulman quarters of Constantinople for the purpose of conversion, hiring people to go amongst the Turks and convert them, lecturing or distributing books for the object of showing the absurdity and falsehood of the Koran and its Prophet. I do not hold these things to be advisable or expedient at these times in these countries.

I think it right also to observe to you that you never attempted the things you have recently been doing, until within the last two or three years.

Every single act which the Ottoman Government now protests against is a new act on your part since that period. Each is the cause of attack on that party of the Turks who have been, and still are, for giving privileges to Christians. Their opponents say, "See what this will lead to. Directly you give the Christians leave to live alongside of you on a footing of equality, they try to overcome you. Directly you allow the Christian religion to be freely practised and followed by all foreigners and natives who wish to do so, the foreign and native Christians will not be satisfied till they have rooted up our forefathers' religion from the land which we inhabit."

This, in my opinion, is doing great damage to the Christians generally in the East, and great damage to those amongst the Turks who would place the Christians on equal footing with the Moslems.

It seems to me that by allowing the Bible and Books of Protestant Prayer to be printed in Turkish and sold here; that by allowing Protestants to meet freely in places of religious worship; by allowing Mussulmans to become Protestants, if they act quietly and not aggressively when they have done so,—that the Ottoman Government does all we can claim from it, or which, for the sake of Christianity itself here, it would in the present state of things be advisable to ask for.

No complaint has been as yet made against Mr. Curtis for having converted Turks acting as Protestant clergymen, and preaching in Turkish, and reading our service in Turkish in his school-room at Pera, which he thus makes, though not regularly consecrated a church or a chapel. This is an innovation, but it is an innovation not yet interfered with. My counsel is, Rest satisfied and quiet with thus performing the Protestant service at this school or chapel in Turkish, but do not lecture and preach in this school against Mahometanism.

If, indeed, you say you are come as conquerors—that you will force the Mussulman rulers to allow you to overturn their belief, then I can understand an assailing policy; but if, after all, you are to act peaceably, and through the goodwill and permission of the Mohometan Sovereign and rulers in this country, then I do not think that you adopt a good way of gaining this goodwill, by appearing, as a body, determined to attack those doctrines which that Sovereign and those rulers hold sacred.

I venture, indeed, myself to say, without impugning the duty of propagating Christianity in the abstract, or conveying any censure upon you for the manner in which you regard that duty, that, under the circumstances which we have to consider, it becomes a question whether Protestants may not do more towards Christianising the Mussulmans by practising quietly and simply the tenets of their own faith, and leaving others to do the same, gaining in this manner general goodwill, and allowing, in the meantime, the tide of civilization, which is connected with Christianity, to mount slowly if you will, and imperceptibly, until it gradually overflows the at present semi-civilized East, than by any more violent or provocative action, any lectures or lessons against Mahometanism, any employment of salaried converts to spread Christianity. Remember that things “may be lawful, and yet not always expedient.”

I now come to a part of this subject which has much interested me—the arrest by the Turkish Government of a small number of Mussulmans who have become converts. You say Turks are not to be punished if they become Christians, and that these Turks are arrested because they have become Christians, and that this arrest and temporary imprisonment is a punishment.

I myself took this ground, and addressed myself consequently to the Porte in this sense; not as having any right of jurisdiction over these people, who are still Ottoman subjects, but on account of the apparent violation of a promise publicly given, and which runs thus: “As all forms of religion are and shall be freely professed in my dominions, no subject of my Empire shall be hindered in the exercise of the religion that he professes, nor shall be in any way annoyed on this account. No one shall be compelled to change his religion.”

To this the Turkish Government have replied by saying, “We have not arrested these men for having become Protestants, for we allow other Moslems, who have become Protestants to be at large, although they may have even become priests of your religion. These particular persons, some of whom gain their livelihood by receiving a small stipend for going about and endeavouring to turn Mahometans from their religion, have all, in one way or another, provoked a great feeling of animosity against them in their own classes. There are some among them whose lives we could not answer for, if they were freely going about this capital; there are others whose presence in Constantinople at this instant would be certain to cause disturbances on religious grounds. A spark lit up in this manner might ignite a large fabric. We are charged with the tranquillity of an immense city, where there is a large Mussulman population; where there are many Christians, and many Christian interests. We are obliged to act on the responsibility which this position imposes on us, and we tell you we cannot answer for the lives of the individuals in question, nor for the peace of this city, if we allow these men at this moment again to go about it. We are not acting here as Mussulmans; we are acting here as we should do, whatever our religion, charged with a social and political duty.

“We own to you that we consider these people have done what they ought not to have done, and what, as thereby disturbing the public tranquillity, might have subjected them to punishment. They have not merely changed their religion, and sat down quietly with their new religion; they have gone about talking to those of our faith in a manner which was likely to create bad blood, and set them against Christians and Protestants in particular; and if indiscreet people do this sort of thing, and get up a strong feeling amongst all Mussulmans against Protestants and Christians, do you not perceive how very difficult this will render it for us to main-

tain that universal toleration which at present is practised among us, and which is not found in many Christian countries?"

Such is the language of the Ottoman Government. I will say honestly what I think of it.

I am myself pretty certain, after minute inquiry, that the lives of one or two of the arrested persons would, if they were free, be in danger, not from the populace, but from their relations, or the bodies or classes to which they belong, and who consider they have inflicted a disgrace upon them. This may be very wrong, very fanatical: it is so: but the men in question are in a low station of life. I suppose the same feeling might exist in portions of our own dominions (Ireland for instance) if Catholics turned Protestants, where there was a violent Catholic population.

In regard to the rest of the persons concerned I do not know so much about them, and am inclined to think that, as far as their own safety is concerned from such causes as I have described, it is not threatened; but as to the public peace, the contentions, or quarrels, or bad feeling, which their going about in the streets or coffee-houses might produce, a good deal must depend upon their habits, their temper, and other circumstances, with which I am not acquainted.

On the whole, however, I do not think I could assume to myself the responsibility of the situation, by attempting to put the Government, which I have no political right to do, altogether aside, and by saying, "I will guarantee the lives of these men; I will guarantee the public security."

Moreover, I am obliged to remember that the persons at the head of the Government now have always been, in all circumstances and at all times, the champions of toleration; that what they say at this moment is this, "We are, we assure you, acting as we always have done; we are endeavouring, by keeping things quiet, by preventing any strong Mussulman indignation from arising, to keep on in the even tenour of our usual way, which has always been towards the protection of all religions as well as our own. If we act with vigour within certain limits, it is to have the force and authority to resist those who would wish us to go beyond such limits."

I say, hearing this from persons whom I have no right to think for the first time false, and acting against the policy of their whole lives, not having any political jurisdiction over Ottoman subjects, not having any power to guarantee individual life or public tranquillity, I can only say to the Ottoman Government what I have said, viz.: "Take care: you have promised that Mussulmans shall not be punished for becoming Christians; you have taken up these men who were Mussulmans and have become Christians; the eyes of European and Christian nations are upon you. Beware how you behave, and how you fulfil your engagement. The European public will look at the case fairly; it will not condemn you unheard; it will not believe exaggerations you can disprove; it will not exact from you impossibilities; but it will calmly and with attentive scrutiny judge your conduct. If it detect therein a spirit of fanaticism or religious persecution, if it imagine that your policy is about to become an intolerant one, depend on it no temporary or trumpery gain of a small momentary popularity amongst the most prejudiced of your religion, and who have been and are your constant enemies, will repay you, as patriots, for the immense perils you are bringing on your country. Do not remove from Constantinople any person whom *bond fide* and conscientiously you do not think, for such reasons as you have described, you are bound to remove. Let those whom you do remove be sent to places where the conduct that is pursued towards them can be watched and reported on by impartial agents; see that they are at liberty where they go, that they can gain a livelihood there, and that the families they leave behind them are supported. In short, take every pains to vindicate honestly and fairly your pledges. Do so: I will render you justice; but expect also, if you do not, my protest and the general protest of Europe against your conduct."

I have held precisely to the Turkish Government the language I thus repeat to you; and I have been assured by it that what I have said will be duly considered and acted upon; and my hope and belief is that no persons will be removed from Constantinople who could advantageously for themselves and the public interests be left here, and that those who are removed will not be so as criminals exiled for having changed their religion, but as persons whom on account of local quarrels it is judged necessary to displace for a time from a particular locality, and that they will go to some place where the conduct of the Government towards them can be looked after, and where their condition will not be worse than it is here.

I do not tell you that this will perfectly satisfy me. I do not tell you that I

should not prefer seeing these individuals instantaneously enlarged here—that, if I were the responsible Government, I might not run all the risks; but I own that in the peculiar position in which I stand, and the many considerations I have to weigh, I could not authoritatively insist on this, in opposition to the responsible Government, without special injunctions so to do.

I expect a final decision on this subject to-day; and in the meantime I am watching carefully over the treatment of the prisoners.

Should any of you wish after this to see me, I shall be happy to give you an interview

I am, &c.
(Signed) HENRY L. BULWER.

No. 9.

Sir H. Bulwer to Earl Russell.—(Received August 13.)

My Lord,

Constantinople, August 2, 1864.

I HAVE not much to add to what I have already written on the subject which has lately been engrossing my attention, viz., the negotiation which has been going on here concerning the proceedings of the missionaries, and which is closed by the decision that the Porte has now taken concerning the converts arrested.

There are one or two points, however, on which I think it may be expedient to say a few words.

There are persons who contend that the conduct of the Porte was entirely gratuitous; that no excitement had been created by the lectures given in the inns of which I have spoken, or by the books distributed there amongst the Mussulman population, in the heart and centre of which these inns are situated. They admit, I believe, that various petitions have been presented to the Sultan on the subject; that the Ulemas and other persons of note were indignant, but they say that no sign of open hostility had been shown by the populace.

I think that any one who knows anything of the Mussulman populations of the East will admit that any violent or outward ebullitions of feeling are sudden, abrupt, and apparently spontaneous, though the elements of them have been, in fact, gradually gathering in the public mind. I believe this was precisely the case here, and that if things had gone on, as they had been going on, much longer, some outbreak of this kind might be apprehended.

The immensity of its consequences would have depended on the conduct which the Turkish troops and sailors might have adopted, but no doubt, in my opinion, it was desirable to deal with the rising irritation in time. I do not blame the Turkish Government, therefore, for emerging in some degree from the supineness of which their co-religionists accused them, and which, by depriving them of moral authority amongst their own people, would have been a serious calamity, if any mischief had really occurred.

But where I think they were wrong was, when they saw some steps were to be taken, in not previously communicating with me, and allowing me the opportunity of seeing whether I could not have persuaded the missionaries to desist from that conduct which was becoming dangerous.

The Government pleads the necessity of urgency, and on this I cannot presume to form a positive opinion.

There is another matter on which discussion may probably arise. The missionaries cannot deny that they took rooms in these inns in order to be in communication with the Mussulmans; that their object was to induce them to embrace Christianity, and to turn them from the Mussulman faith.

But whereas the Porte accuses the converts who lectured on these occasions in behalf of the missionaries of violence, the missionaries affirm that they pointed out the errors of Mahometanism, and the false grounds on which Mahomet stood as a prophet in a very civil and courteous manner, and in fact I believe it was stated, on one occasion, that he was a very able man.

These are distinctions which religious Mussulmans would not highly appreciate, and I think common sense must teach one that in going to the Mussulman quarter in Constantinople, taking rooms in public inns there, to which all were allowed ingress, and giving lectures and distributing books, which every one could see were intended to undermine and overthrow the Mussulman religion, the missionaries did

a very imprudent thing, which could not but make it very difficult for Ministers, already accused of being too favourable to the Christians, to carry out the policy they were pursuing.

The duty of propagating Christianity, which I by no means impugn, must, if you do not mean to produce worldly mischief, be executed with worldly prudence, and we have the authority of an Apostle for saying, that "a thing may be lawful which is not expedient," a precept which I have quoted to the missionaries themselves.

I have, &c.
(Signed) HENRY L. BULWER.

No. 10.

Sir H. Bulwer to Earl Russell.—(Received August 13.)

My Lord,

Constantinople, August 2, 1864.

IN continuation of my preceding despatch of this day's date, relative to this subject, I have to state that Mr. Pisani has just informed me that the Turkish Government has come to the decision of releasing three of the prisoners on a promise that they will remain quiet and not provoke disturbances by entering into religious questions with other Mussulmans, though they are perfectly free to continue observing the practices of their new religion; two more, whom it would not be really safe to set loose here, will be removed from Constantinople, but before they are sent away I shall know their destination; three or four more, who will remain, will either be released here quietly, one by one, as public excitement subsides, or removed temporarily to some place, of which I shall be informed, and where I can have the conduct pursued towards them ascertained.

I have, &c.
(Signed) HENRY L. BULWER.

No. 11.

Sir H. Bulwer to Earl Russell.—(Received August 13.)

My Lord,

Constantinople, August 2, 1864.

YOUR Lordship will find in the inclosed Memorandum a brief account of certain incidents connected with the arrest of the Protestants, which I am bound to say have been, and will probably be, the subject of some exaggeration.

I also transmit, for your Lordship's information, a short statement concerning the books of Mr. Pfander, "Mizan el Hakk," seized by the Turkish authorities.

I have, &c.
(Signed) HENRY L. BULWER.

Inclosure 1 in No. 11.

Memorandum respecting Arrest of Protestants.

Constantinople, July 27, 1864.

Mr. Curtis.—IT has been said that Mr. Curtis had hired a room in an inn for the purpose of receiving converted Turks who gave lectures against the errors of Mahometanism. It has been said that this room had been shut by the police.

Mr. Curtis goes down to the room after it had been shut. A sentinel is standing at the door. Mr. Curtis approaches the door, and the sentinel takes him by the wrist and puts him back; the sentinel seeing he still remained about the door had a chair brought for him, and sent to the Minister of Police to know what he was to do with the gentleman who seemed disposed to continue sitting on this chair, as a mob was collecting.

The Minister said the gentleman might stop as long as he likes, and go away when he likes; a superior officer then told Mr. Curtis he might sit there unmolested or go away, but he must not open the door, and Mr. Curtis went away.

This is the account given to Sir Henry Bulwer himself at the police office, where

he examined the party concerned. Mr. Curtis himself states that, with the exception of the sentinel taking him by the wrist, in the first instance he was treated civilly; but he considers that when the sentinel offered him a chair he took him into custody: the sentinel says this was not intended, but at all events such are the simple facts of a case which was, perhaps, rather an unfortunate accident than a violent outrage.

Mr. Williams.—Another case of a somewhat similar kind to that of Mr. Curtis occurred—a case in which the police were more to blame, but which has, perhaps, been somewhat exaggerated. A Turk who has turned Protestant, taken the name of Williams, and become a clergyman of the Protestant church, was arrested when walking in the streets of Pera on the 17th, at the demand of a man who gave him in charge, and said he would attend him to the police office. He says that he asked the police why they arrested him, and whether it was on religious grounds, to which they answered yes. He was taken to the Galata Serai, and kept about three-quarters of an hour; but the person who gave him in charge went away, and when it was found he had done so, and Mr. Williams was brought before a superior officer, this officer having asked if he had been brought there for debt, and Mr. Williams saying he owed no one anything, the officer apologized to Mr. Williams for what he said was a mistake, and ordered him to be at once released.

Inclosure 2 in No. 11.

Memorandum respecting Mr. Pfander's Book.

AMONG the books found in Mr. Pfander's store in the khan was a work of his, entitled "Mizan el Hakk," or "Scales of Truth." This is a controversial work, exposing the errors of Mahometanism; it is stated here on the part of the missionaries that this book was only published in answer to a violent pamphlet of an Ulema, Isaac Effendi; but the truth would seem to be that Mr. Pfander published his work some time since in Persian, and that when this had drawn forth the reply from Isaac Effendi, he republished his original book in the Turkish language.

At its first publication M. Pfander sent copies of his book to the American missionaries here, who, although they agreed with the arguments and conclusions deduced by him, declined to accept it, on the ground that they did not believe violent attacks upon the Mussulman religion, however well founded in truth, would be advantageous to the interests of Christianity in Turkey.

No. 12.

Sir H. Bulwer to Earl Russell.—(Received August 13.)

My Lord,

Constantinople, August 3, 1864.

I HAVE the honour to forward herewith copy of an official note addressed to me by Aali Pasha in reply to the one sent to him on the 20th July, copy of which is likewise inclosed for your Lordship's information.

I have, &c.

(Signed) HENRY L. BULWER.

Inclosure 1 in No. 12.

Sir H. Bulwer to Aali Pasha.

Sir,

Constantinople, July 20, 1864.

IT is my painful duty to bring under your Highness's consideration the conduct of the Porte's agents in forcibly closing and taking possession of certain shops in the occupation of the Reverends Pfander and Wheatley, and of Mr. Sellar, the Agent of the British and Foreign Bible Society, without the concurrence of, or any previous communication with, the British Consular authorities.

Your Highness cannot but be aware that this irregular proceeding constitutes

a grave infraction of rights guaranteed by Treaty, and I feel persuaded that I have only to bring the matter under your notice to obtain immediate and ample redress, coupled with the assurance that no similar act shall be allowed to occur in future.

I have, &c.

(Signed) HENRY L. BULWER.

Inclosure 2 in No. 12.

Aali Pasha to Sir H. Bulwer.

M. l'Ambassadeur,

Ministère des Affaires Etrangères, le 2 Août, 1864.

J'AI eu l'honneur de recevoir la note que votre Excellence m'a adressée en date du 20 Juillet.

Les boutiques dont parle votre Excellence comme ayant été occupée par MM. Pfander et Curtis n'ont jamais été des boutiques. Ce sont des chambres louées dans un khan ou auberge entretenu par un sujet Ottoman, chambres dont ces messieurs se sont temporairement servis, soit pour y distribuer gratis des livres en Turc contre la religion Musulmane, soit pour y ouvrir une chaire et prêcher à qui voulait les entendre contre cette religion.

Votre Excellence conviendra qu'il est impossible de considérer comme des boutiques Anglaises les chambres d'un auberge tenu par un sujet Ottoman et relevant de la juridiction de la police locale.

Nous aurions pourtant prévenu l'autorité Consulaire si nous avions su que ces chambres étaient légalement louées par des Anglais. Je ferai remarquer d'ailleurs que les archives du Ministère de la Police ne font pas foi de l'existence d'un bail de cette nature. Quant à la boutique louée par M. Sellar et où des Bibles se trouvaient déposées, elle servait de lieu de réunion aux personnes qui disposaient des chambres susmentionnées; et la mesure prise à cet égard a été motivée par le désir de prévenir toute action violente de la part de la population, et de nous assurer si des ouvrages de controverse s'y trouvaient en vente avec les Bibles comme on le prétendait. Nous avons cru qu'il serait nécessaire et avantageux pour tout le monde et dans l'intérêt de la libre vente de la Bible, de vérifier l'accusation. D'ailleurs, dans notre empressement d'agir promptement afin de prévenir tout accident, en donnant l'ordre de mettre les scellés sur la porte de cette boutique, nous avons crû agir contre un établissement entre les mains de nos sujets, et non pas contre un établissement tenu par des Anglais. Nous n'hésitons donc pas de vous exprimer nos plus vifs regrets pour cette erreur involontaire, et de vous assurer qu'un pareil cas ne se renouvellera pas.

Je crois devoir ajouter aussi que la boutique dont il s'agit a été ouverte aussitôt qu'on a reconnu qu'elle ne contenait pas de ces livres de controverse outrageante pour notre religion. Je suis fâché de ne pouvoir en dire autant de la chambre de M. Pfander sise dans le khan dont il s'agit. C'est là que la police, assistée par un employé de votre Ambassade, a trouvé un certain nombre de livres et de manuscrit tous prouvant l'espèce de croisade que ce monsieur faisait contre la religion Musulmane au milieu de cette partie de la population de notre capitale qui professe la religion de l'Etat.

Veuillez, &c.

(Signé) AALI.

(Translation.)

M. l'Ambassadeur,

Foreign Office, August 2, 1864.

I HAVE had the honour to receive the note which your Excellency addressed to me, dated the 20th of July.

The shops which your Excellency speaks of as having been occupied by Messrs. Pfander and Curtis were never shops at all. They are hired rooms in a khan or inn, kept by an Ottoman subject, of which these gentlemen made temporary use, either for the purpose of distributing, gratis, books in Turkish against the Mussulman religion, or for establishing a pulpit and preaching to whoever would listen to them against that religion.

Your Excellency will agree that it is impossible to consider as English shops the rooms of an inn kept by an Ottoman subject, under the jurisdiction of the local police.

We should, notwithstanding, have warned the Consular authority if we had known that these rooms were legally hired by Englishmen. I will, moreover, call to the attention of your Excellency that the archives of the Police-office do not vouch for the existence of a lease of that nature.

As for the shop hired by Mr. Sellar, and where the Bibles were deposited, it served as a place of meeting to the persons who disposed of the rooms above mentioned; and the measure taken with regard to it was founded upon the desire of preventing all acts of violence on the part of the population, and to assure ourselves whether works of controversy were sold with the Bibles, as was alleged. We thought that it would be necessary and advantageous to everybody, and in the interest of the free sale of the Bible, to verify the accusation. Besides, in our haste to act promptly, in order to prevent any accident, in giving the order to seal up the door of this shop, we thought we were acting against an establishment in the hands of our own subjects, and not against an establishment kept by Englishmen. We do not hesitate, therefore, to express to you our deepest regret at this involuntary error, and to assure you that a similar case will not occur again.

I think it right to add that the shop in question was reopened as soon as it was ascertained that it did not contain controversial books outraging our religion.

I am sorry not to be able to say as much for the room of Mr. Pfander, situated in the khan in question. It was there that the police, assisted by an Agent of your Embassy, found a certain number of books and manuscripts, all proving the kind of crusade which this gentleman was making against the Mussulman religion in the midst of that part of the population of our capital which professes the religion of the State.

(Signed) AALI.

No. 13.

Sir H. Bulwer to Earl Russell.—(Received August 13.)

My Lord,

Constantinople, August 3, 1864.

FOR your Lordship's more complete information as to the treatment of the Turkish converts to Protestantism in the zabtieh's prison, I have the honour to transmit herewith a memorandum accompanying the reports which have been addressed to me by Mr. Sandison, one of the dragomans of Her Majesty's Embassy, and Dr. Savas, the physician of the prison, on that subject.

I have, &c.

(Signed) HENRY L. BULWER.

Inclosure 1 in No. 13.

Memorandum.

Constantinople, August 1, 1864.

HAVING been informed by the Secretary of the Committee of the Evangelical Alliance that he had heard, from good information, that the converts confined at the zabtieh's prison were very ill-treated, that all access was refused to them, that linen was not allowed to them, that no covering was allowed to them at night, in the damp cells in which they were confined, and other things of this sort, I sent down Mr. Sandison, one of the dragomans of Her Majesty's Embassy, to inquire into the true state of the case; and I also addressed myself to the doctor of the zabtieh, to whose charge I knew these persons had been specially confided.

The letter I inclose from the doctor and the report of the dragoman completely contradict these statements, which, I believe, the missionaries have since acknowledged to be incorrect.

Mr. Curtis having stated that two Armenians who had been sent to visit the prisoners had been refused admittance, and opprobiously turned away, I sent for these Armenians, and inquired into the circumstances of the case. These Armenians are known at the zabtieh as persons of bad character, one of them having been confined there: they admitted to me they had been at different times to see the prisoners, and had been allowed to do so; but that on one occasion Mr. Pfander, who accompanied them, broke the prison regulations by giving money and tobacco to the prisoners, instead of transmitting these articles through the ordinary officers

and for this reason they were removed from the prison; and when they returned there this was the reason for not admitting the same persons; and it is probable that the police officer at the gate knowing one of these men as a former tenant of the prison, himself treated him rather abruptly. Orders have been given to the police to treat every one who comes with civility; to admit all persons to see the prisoners at the appointed hours; and, moreover, if the doctor is at the prison when any persons come, he will see them, and give them every information they may require. The prisoners' room is in the hospital quarter of the establishment—the best in it; they are allowed linen, and covering at night, and may receive anything subject to the prison regulations; and the prisoners express themselves perfectly satisfied with their treatment.

H. L. B.

Inclosure 2 in No. 13.

Mr. Sandison to Sir H. Bulwer.

Sir,

Constantinople, August 1, 1864.

WITH reference to the complaints brought under your Excellency's notice in behalf of the imprisoned converts, I have the honour to state that the information which I have been able to obtain at the Police Department leads me to assert that the Protestant missionaries are evidently labouring under an erroneous impression, through the gross misrepresentations which appear to have been made to them on this subject.

The converts in question were placed under the special charge of Dr. Savas, the Director of the Prison Hospital, whose first care was to procure them the best accommodation in the prison, having assigned to them a spacious and well-ventilated room, where no other prisoners but themselves were permitted to be lodged.

The treatment they experienced at the hands of the police, as regards food and bedding, is in accordance with the prison regulations, which allow them the usual rations, consisting of an ample supply of good bread, soup every morning and a substantial dish at mid-day, with an allowance of meat twice a week.

The bedding consists of a thin mattress and blankets, but prisoners are at liberty to buy or receive from their friends anything they wish in that line of their own choice.

As regards intercourse with their friends or relatives, prisoners in general are only allowed to communicate at certain hours, which are from 4 to 6 o'clock, Turkish time; and anybody coming at such hours can have free access to the prison.

It is needless for me to enter here into any further details. Suffice it to say that, judging from all I heard and saw during my visit to the zabtieh on Sunday last, there is indeed no ground whatever to justify any complaint being made against the police authorities with reference to the alleged ill-treatment of the imprisoned converts. In fact, I was admitted into the room they occupy; and I questioned them myself on the subject, when they all came forward and unanimously declared that they were really indebted to the kindness of the Government for the manner in which they were treated,—the oldest among them adding that "he would not wish for more at his own home."

I have merely to add that Dr. Pfander, who has had occasion to visit the prisoners in person, has already confirmed, to a great extent, in the presence of the Police Minister the other day, what I have just been stating on this subject.

I have, &c.
(Signed) A. SANDISON.

Inclosure 3 in No. 13.

Sawaz Effendi to Sir H. Bulwer.

Excellence,

Constantinople, le 1^{er} Août, 1864.

C'EST avec le plus grand étonnement que j'apprends les griefs adressés à votre Excellence par les honorables membres de l'Alliance Evangélique au sujet de quelques détenus confiés à la Direction des Prisons du Ministre de la Police. Je dois

supposer, Excellence, que des rapports plus ou moins erronés ont donné lieu aux griefs que vous avez communiqués à son Excellence le Ministre de la Police, mon chef, et que les respectables membres du clergé Britannique qui vous ont écrit ont été induits en erreur par des personnes intéressés ou malveillantes ; je m'empresse par conséquent à exposer à votre Excellence les faits dans leur vraie forme et réfuter ainsi leur assertion contraire à la vérité.

Les personnes en question occupent dans le quartier de l'hôpital la meilleur chambre qui existe, chambre vaste, propre et bien aérée, ayant vue sur la rue et sur le jardin de l'hôpital ; ils ont tous des matelas et de couvertures, ils sont nourris comme le reste des prisonniers, c'est-à-dire, ils reçoivent une ration entière de pain blanc comme celui que mange Sa Majesté Impériale le Sultan, un potage gras au riz, et un plat de légumes ; deux fois par semaines de la viande. Ils peuvent communiquer avec leurs amis de quatre à six heures Turques au parloir de la prison tous les jours. Ils peuvent recevoir à toute heure de la journée par l'entremise du géolier-en-chef toute sorte de comestibles, du linge, &c., et par exception ils ont un gardien exclusivement affecté à leur service. Sur le petit mot que votre Excellence m'a adressé il y a quelques jours en faveur de ces individus des aises inusitées leur ont été accordées, telles que la permission de fumer dans le dortoir la cigarette, et même la narguillé. Ordre a été donné au troisième Secrétaire des prisons de dresser tous les matins une liste de leurs demandes tant pour l'autorité que pour leurs parents ou amis.

Tout ce que je viens d'avancer a été ce matin vérifié par le drogman de l'Ambassade Britannique, M. Sandison, qui a eu la bonté d'interroger un à un les prisonniers en question et de visiter toutes les différentes parties des prisons—les dortoirs, les ateliers, l'hôpital de pharmacie, la cuisine, et la buanderie. Je prie donc instamment votre Excellence de demander à M. Sandison un rapport sur ce qu'il a vu et spécialement sur les déclarations verbales et écrites des prisonniers, dont l'état préoccupe à un si haut point votre Excellence. Ces hommes, quelle que soit leur faute pour laquelle ils sont en détention ils ont donné ce matin une preuve d'honnêteté,—ils ont exprimé à haute voix et la plus part les larmes aux yeux, leur reconnaissance pour les égards tout particuliers que nous avons eu pour eux.

Tels sont, Excellence, les faits. A présent permettez-moi de vous rappeler très respectueusement que les autorités Ottomanes ont donné de tout temps des preuves non équivoques de la grande attention qu'elles font à toutes les recommandations de votre Excellence. Ainsi c'est à l'influence personnelle de votre Excellence qu'est due l'acceptation des prisonniers Anglais condamnés aux galères dans les prisons de la police.

Votre Excellence n'ignore non plus que c'est à cette concession que les Français, les Autrichiens, les Italiens, et les Grecs doivent l'admission de leurs prisonniers dans les mêmes établissements pénitentiaires, de sorte que les prisonniers de toutes ces différentes nations vous doivent le bien-être dont ils jouissent actuellement. Cela étant, votre Excellence ne voudra pas croire que dans cette circonstance l'Administration des Prisons, son Excellence le Ministre de la Police, qui est l'homme par excellence tolérant et libéral, peuvent enfreindre les lois de l'humanité et négliger la recommandation de votre Excellence.

Quant à moi je ne puis que mettre toujours toute mon attention à traiter avec humanité et amour tout prisonnier, attendu que ma mission et ma devise sont celles d'adoucir les maux des malheureux que la justice me confie, de sauvegarder leur santé, de relever leur moral et non pas de les abrutir par des rigueurs intempestives et une sévérité mal entendue.

Agréé, &c.

(Signé) SAWAZ EFFENDI,

Premier Médecin du Ministre de la Police et Inspecteur des Prisons.

(Translation.)

Excellency,

Constantinople, August , 1864.

IT is with the greatest astonishment that I learn the complaints addressed to your Excellency by honourable members of the Evangelical Alliance on the subject of some prisoners under the charge of the prison authorities of the Ministry of Police.

I must suppose, Excellency, that reports more or less erroneous have given rise to the complaints which you have communicated to his Excellency my Chief the Minister of Police, and that the respectable members of the British Clergy who have written to you have been led into error by interested or ill-disposed persons. I hasten, therefore, to

expose to your Excellency the facts in their true light, and thus refute their incorrect assertions.

The prisoners in question occupy in the hospital quarters the best chamber there is, large, clean and well ventilated, looking over the street and hospital-garden. They all have mattresses and bed-clothes. They are fed like the rest of the prisoners, that is to say, they receive a whole ration of white bread, the same as His Imperial Majesty the Sultan eats, a rich rice soup, and a dish of vegetables, and twice a-week meat. They can communicate with their friends between 4 and 6 o'clock, Turkish time, at the prison ante-room every day. They can receive at any hour of the day, through the intervention of the chief gaoler, every kind of provision, linen, &c., and as an exception they have a warder specially set apart for their service. In consequence of the recommendation which your Excellency made to me a few days ago in favour of these persons, they have been allowed unusual indulgences, such as permission to smoke cigarettes, and even narghillys, in the dormitory. The third Secretary of the prison has been ordered every morning to prepare a list of their wants as well for the authorities as for their relations and friends.

The facts I have just advanced have been verified this morning by the dragoman of the British Embassy, Mr. Sandison, who has had the goodness to interrogate, one by one, the prisoners in question, and to visit all the different parts of the prison—the dormitories, the workshops, the medical hospital, the kitchen, and the washhouse. I earnestly entreat your Excellency to demand of Mr. Sandison a report upon what he has seen, and especially upon the verbal and written declarations of the prisoners, whose state causes your Excellency such great anxiety. These men, whatever may be the faults for which they are detained, have given this morning a proof of honesty. They have loudly expressed, and for the most part with tears in their eyes, their gratitude for the particular consideration with which we have treated them.

Such, your Excellency, are the facts. Now permit me very respectfully to remind you that the Ottoman authorities have at all times given the most unequivocal proofs of the great attention that they pay to all your Excellency's recommendations. Thus, it is to the personal influence of your Excellency that the admission to the prisons of the police of the English prisoners condemned to the galleys is due.

Your Excellency is equally aware that it is to this concession that the French, the Austrians, the Italians, and the Greeks owe the admission of their prisoners to the same penitentiary establishments, so that the prisoners of all these different nations owe to you the comfort which they at present enjoy. This being the case, your Excellency will not believe that in this circumstance the prison administration and his Excellency the Minister of Police, who is above all others a tolerant and liberal man, can infringe the laws of humanity and neglect the recommendation of your Excellency.

As for myself, I can but devote all my attention to treating with humanity and love every prisoner, seeing that my mission and my motto are those of softening the afflictions of the unfortunates that Justice has confided to me—to preserve their health, to raise their moral standard, and not to debase them by ill-timed rigour and an ill-advised severity.

(Signed) SAWAZ EFFENDI,

First Physician of the Ministry of Police and Inspector of Prisons.

No. 14.

Memorial from the Turkish Missions Aid Society.

To the Right Honourable the Earl Russell, Her Majesty's Secretary of State for Foreign Affairs, &c., &c.

The humble Memorial of the Undersigned, on the part of the Turkish Missions Aid Society, established in London in aid of existing Protestant Missions in the Turkish Empire,

Sheweth,

1. That, after several years quiet and unobtrusive efforts, on the part of the Bishop of Jerusalem in Palestine, and of the American missionaries who have been settled in Syria, Armenia, Mesopotamia, and Asia Minor ever since 1830, they have established numerous schools and training institutions; and by the blessing of God, and the preaching and circulation of His Word in the vernacular languages, have induced many to abandon their superstitions, and adopt the Scriptures as their sole rule of faith and practice.

2. That, by their good example, quiet and inoffensive manners, and judicious and consistent conduct, they have obtained the sanction of the authorities; and that by healing the sick and ministering to the necessities of the poor, they have secured the confidence, the favour, and the good will of many thousands of the people, who regard them as kind friends and benefactors; and as such they have been permitted to dwell amongst them without molestation or hindrance to their holy calling.

3. That, for a long time past, they have remarked that a spirit of inquiry was extensively at work in the minds of respectable and reflecting Moslems, and that in many there was an increasing anxiety about the truth of the Gospel and the state of their own souls, but that, knowing the Turkish character, they invariably had respect to their prejudices, and treated them with the greatest delicacy,—rather waiting to be sought than seeking them.

4. That, from letters recently received from Constantinople, the Committee of the Turkish Missions Aid Society learn with sorrow and surprise that many of the Moslem converts in that city—quiet inoffensive men—have, without any previous warning or admonition, been suddenly seized upon by armed men, violently dragged through the streets, and cast into the common prison,—and that, although since liberated, they are to be separated from their wives and families, and sent to distant provinces, avowedly for their safety and protection from fanatics!

5. That your Memorialists cannot however conceal their alarm, as, from their long acquaintance with Turkish practices, they know that many rayahs thus banished have either not reached their destination, or have been afterwards ill-treated, and even put to death for crimes of which they were innocent. We hear that they are to be placed under English Consuls; but your Lordship is well aware that no Consul can defend a rayah, who is only amenable to Turkish law, in the face of bribery and corruption, and against an infuriated rabble.

6. That your Memorialists are more uneasy because they are credibly informed that the English Ambassador knew that these parties were to be thus seized a whole week before the event took place, and yet said nothing to them about it, nor, we understand, to any one else. The English and American Bible Societies' depôts were seized, and the American printing press. That these were set free at the instance of the American Chargé d'Affaires, but that Sir Henry Bulwer did nothing, and, the truth must be told, a strong feeling of indignation is now felt at Constantinople among all Protestants, from the highest to the lowest, and we think it right that your Lordship should know it.

7. That there is a well-founded apprehension lest, when the news reaches the provinces that converts to Christianity have been imprisoned and banished as apostates at the capital, it should become the signal for religious persecution throughout the Empire. And we feel assured that, unless prompt and energetic measures be taken by the European, and especially by the Protestant Governments, the consequences may be serious, indeed that no one will be safe; and Christian residents feel that it would be vain to expect protection from the English Ambassador.

8. That your Memorialists would further call attention to the fact, that whatever be the motives of the Sultan, he has broken the Hatti-Humayoum, which guarantees religious liberty to all denominations of his subjects, as well as to European residents, throughout the Turkish Empire; and that if his Highness has not the will or the power to fulfil his engagements, and to keep his own people in order, we can no longer have confidence in him; and it becomes a matter for very serious consideration and decisive interference on the part of the English Government, to whose friendship and support he owes his existence.

Your Memorialists do therefore, my Lord, devoutly and respectfully pray, plainly as they have felt constrained to speak, that Her Majesty's Government may in their wisdom see the necessity of taking immediate measures for the restoration of the banished ones, and for their being allowed to retire to Malta, if not safe in Constantinople, and also for the full, strict, and complete enforcement of the Hatti-Humayoum.

Signed on behalf of the Turkish Missions Aid Society,

(Signed) WM. HOLT YATES, *Chairman of Committee.*
HENRY JONES, *Secretary.*

7, Adam Street, Adelphi, August 12, 1864.

Sir E. Hornby to Earl Russell.—(Received August 13.)

Supreme Consular Court, Constantinople,
August 3, 1864.

My Lord,

I HAVE the honour to forward to your Lordship copies of statements made to me by Revs. Charles Curtis and Pfander, and also one by the Turkish convert Selim Williams, who is in Deacon's orders.

These statements were originally made *vivâ voce* when my interposition with the police authorities was first asked, namely, on the morning of the day after the closing of the rooms, and to prevent mistakes or misconception I desired the parties to reduce what they had said to writing.

I have, &c.
(Signed) EDMUND HORNBY, Judge.

Inclosure 1 in No. 15.

The Rev. C. Pfander to Sir Edmund Hornby.

Sir,

Constantinople, July 30, 1864.

A FEW days ago I informed you that the Turkish authorities, without giving me any notice, had shut up our rooms, situated in a khan of Constantinople, and hired for the purposes of the Church Missionary Society's Mission here, and had placed a guard of police before the doors.

On Monday, the 25th instant, the rooms were opened again and searched by the police, and several copies of books published by me in Turkish were confiscated. The confiscated books are:—"Mizân-ul-Hagg," ten copies; "Miftah-ul-Asrór," eighteen copies; "Râfi-us-Shubehát," ten copies. No reasons were given for so violent an act, but I was made to understand that these were forbidden books.

The first two of these books have been in circulation here for a period of three years and the other for a period of one year. They were not publicly sold or hawked about, but distributed and sold to those who came to us and asked for them. This was all well-known to the police, and Pashas and others in authority often sent to us for these books. The Turkish Government also never informed us, either directly or indirectly through the British Embassy, that they had any objection to the circulation of these books. One of them, the "Mizân-ul-Hagg" is controversial in so far as it is a defence of Christianity against the objections of the Mussulmans, and an inquiry into and refutation of the claims of Mahometanism.

The "Miftah" is simply a statement of the doctrine of the Holy Trinity and the Divinity of Christ with reference to the objections advanced by Mahometans against these doctrines.

The third book, the "Râfi-us-Shubehat," is a reply to a book called "Shams-ul-Hagigat," published here three years ago by a certain Ishag Effendi, with the permission of the Government, and publicly sold in the bazaars of Constantinople. This book professes to be a reply to the "Mizan," but it is in reality a violent attack on Christianity, written in a bitter style and abusive language, of which, not to mention the abuses heaped on the author of the "Mizan," I will, with your permission, add a few examples of those epithets awarded to Christians in general. For instance, in page 122 the author says, "The Christians are a set of dumb, deaf, and blind fellows, who understand nothing;" page 267, "The Christians are weak-minded, void of understanding, and more stupid than the animals;" and page 284, "They are a kind of animals in human shape." These specimens will suffice to show the animus of the book, and establish the above statement of its being a violent attack on Christianity.

I scarcely need to mention that I gave no occasion for such violent abuse, but confined myself to sober and sound argument, avoiding all improper or unbecoming terms. To give you an insight into the books I add a statement of their contents, printed in English some time ago.

In conclusion, I would state that the book, "Shams-ul-Hagigat," was published here before the Turkish "Mizan-ul-Hagg" was in circulation. A box of the "Mizan," in Persian, was sent from Calcutta to this place before the Crimean war. It was retained in the Custom-house, but the Rev. Dr. Schauffler, some time after, having

obtained permission for its removal, the box, when at last found, was found emptied of nearly all its contents, the books having been taken away, as it seems, by persons of the Custom-house, and they found thus their way into the capital. It was the circulation of these Persian copies which led to the publication of the "Shams-ul-Hagigat," not the Turkish translation of the "Mizan."

I would add that discussion and controversy, either verbal or written, cannot in any way be avoided in making known Christianity to Mahometans, opposed as they are to it, and religious liberty as in other countries, so in Turkey also must include and permit it, if it is to be a reality and not an empty name.

I have, &c.

(Signed) C. G. S. PFANDER,
Missionary, Church Missionary Society.

Inclosure 2 in No. 15.

The Rev. C. Curtis to Sir E. Hornby.

Pera, July 30, 1864.

Sir,

I HAVE the honour to inform you that on Tuesday, the 19th of July, I went to Yaldenzleu Khan, in Merjan Sokak, in Stamboul.

Having entered the khan I went down towards a room which I had hired, No. 10. The door of the room is in the corner at the other end of the wall, on the left hand as you enter the court; a large window is on this side of the door. On approaching I saw a sentinel posted with musket and bayonet on this side of the window. I stopped on a line with the sentinel's post, and looked towards the door; he stepped forward, crying "Yassak!" (forbidden), seized me by the wrist, cried "Dour!" (stop), and called down two cavasses.

I showed him that as he had arrested me it was not necessary to hold me in that manner in order to induce me to stop. Another person said to him something which I did not hear clearly, when he (the sentinel) pointed to a stool, and cried in the same imperious tone, "Otour!" (sit down). The cavasses whom he had called came down while I was seated, but did nothing. One of them asked, "Ne yapajak?" (what to do?).

A crowd was gathering in the gallery, at the windows, and in the court itself. After some talking one of the cavasses asked whether the Yuzbashi (Captain) should be called. I consented. In about a quarter of an hour, during which time I remained a gazingstock to the idlers, the Yuzbashi came with his Lieutenant. I gave them to understand very clearly, both by word and action (and what I said was repeated by others who were by), how I had been seized and held in arrest when I was merely looking towards the door.

At length the Captain made a sign with his hand, signifying that I might go. Before leaving, and on my departure, I told the cavasses, the Captain, and the Lieutenant that I should write to the English Ambassador about the whole affair. "Write," they said.

I have, &c.

(Signed) CHARLES GEORGE CURTIS,
Missionary of the Society of the Gospel in foreign parts,
stationed at Constantinople.

Inclosure 3 in No. 15.

Statement made by Selim Edward Williams, July 30, 1864.

(Translation.)

ON Sunday, the 17th of July, I was going, according to my custom, to the Rev. Mr. Curtis' school chapel. A servant of Zaptieh Mushiri, Mehemet Pasha, Mustapha by name, an agent of the secret police, dressed like a Candist, attended by two cavasses, stood before me close to the gate of the school-ground. This man, turning back, pointed me out to the cavasses, saying, "This is the person." They at once seized me, and violently dragged me through the main street of Pera to Galata-Serai. I asked, "Who is my accuser?" One of the cavasses said, "Do you not know?" I replied, "There is no other reason but religion for your taking me." He then said, "You know it well." The two cavasses holding me by my

wrist, and two others immediately following me through the main street of Pera, hurried me off to Galata-Serai. Many saw me driven like a murderer through the street—so said Christians, as was reported to me; and I heard Mahometans who met me exclaim, “Thanks be to Thee, O Lord, for that we have seen this heretic in such a plight; we wonder where he will be hanged—let us go and see.” As we entered the police station they let go my hands. The police officers there present brought me before an official who is Governor of Pera; and the officer who brought me before the Governor said to him what I did not understand. The Governor asked me, “What is your name?”—*Answer*. “Selim Edward Williams.” Another asked me, “What is your work?”—*A*. “I preach the gospel.” *Question*. “Is that answer of yours becoming to you; does it become you to renounce your religion and act thus?”—*A*. “That is my affair.” *Q*. “Where do you preach?”—*A*. “On Sunday at Mr. Curtis’ school, Pera.” Another officer began to search my pockets to see whether I had papers about me. I said, “We have nothing offensive about us. I am employed for the salvation of souls.” *Q*. “Who so appointed you?”—*A*. “A Society in England.” *Q*. “What sort of Papas are you?”—*A*. “Of the Church of England.” One of the officers said, “Shame on thee, shame on thee, for doing this.”

Again I was called up. *Q*. “Where is your house?”—*A*. “At Bebek.” Then I was placed under cavasses and ordered to go over to the head Zaptieh. As I was brought down stairs another officer came down and said, “Wait a little.” While I was sitting down an Armenian came and said, “Mr. Curtis is informed about you, and he is coming.” Upon this I was called and put into another room. Two officials were posted inside and two outside.

After a while a half-dressed man walked in. I thought that he was the executioner just sat down beside me. *Q*. “What is your name?”—*A*. “Selim Edward Williams.” *Q*. “Williams is not necessary to us,” he replied; “Selim is enough. Why have you become a Papas? You must have been angry at something?” I replied, “No; but I have meditated on the Bible with searching, and having found myself in difficulty as to the salvation of my soul, have turned to Jesus Christ.” “This is what you have done,” he said. *Q*. “What is your salary?”—*A*. “I tell you that I have turned for the salvation of my soul and not for money.” *Q*. “Have you a family?”—*A*. “Yes.”

Then a cavass walked in and said, “There were two little children with you.” “They are to be brought in,” I said, “they are little ones; do not touch them, for they may be frightened, and you cannot answer for what will follow.”

Then I was told that they would not be brought. One said, “You know this touches the Sheriat (Divine Law).” At length I was asked, “Do you owe any one money?” I said, “No.” One of the officials then said, “You can now go. We beg your pardon; you were taken up by mistake; say nothing to any one about it.”

No. 16.

Earl Russell to Sir H. Bulwer.

Sir, *Foreign Office, August 17, 1864.*
I HAD an interview yesterday with a deputation of the officers and committee of the British and Foreign Bible Society on the subject of the recent transactions at Constantinople with reference to Christian teaching and the distribution of the Bible.

As the Society do not profess to preach, or even to teach otherwise than by the distribution of the Bible, the question as regards them is narrowed to the manner in which that distribution is to be carried on.

You will see that it is affirmed in the Memorial, a copy of which is herewith inclosed,* that “the Society is entitled to claim the fullest liberty of disposing of the Scriptures by sale or otherwise throughout the whole Turkish Empire.”

As the Turkish Government do not dispute this right so far as sale in shops and private houses is concerned, the only remaining question with the British and Foreign Bible Society is the right of selling Bibles by means of colporteurs or hawkers.

In favour of the maintenance of this right the Committee assert that the

* No. 7.

practice has been for many years permitted without obstruction; that the Society never distributed Bibles gratuitously, but always sell them; that many millions of the subjects of the Sultan are Christians, and are entitled, according to the provisions of the Hatti-Humayoum, to the free profession and exercise of their religion; that in many parts of the Empire, such as Bosnia and Bulgaria, it would be impossible to set up shops for the sale of books; that in fact, the common, the established and most efficacious method of distributing Bibles by the Society is the method of colportage or hawking; that in this way the Bible is eagerly sought after and extensively spread, and that no disorder or disturbance of the peace has accompanied the sale; that the Turks, far from feeling any aversion or repugnance to the practice, consider the Old and New Testaments as books containing the records of Divine revelations prior to the age of Mahomet; that Turks who do not choose to buy the Bible kiss the book with reverence, and return it to the person offering it for sale.

Finally, they allege that this mode of distribution is a lawful, peaceable, and harmless method of spreading among Christians and Turks alike a knowledge of the Christian religion.

It appears to me that these arguments are conformable to Treaty, to the profession of the Turkish Government, as proclaimed in the Hatti-Humayoum, and to the privileges of British subjects in the Ottoman dominions.

Her Majesty's Government instruct you, therefore, besides those measures in regard to places of worship, shops for the sale of books, and Turkish converts which you have already advised, to urge the Turkish Government to allow the free distribution of the Bible by means of travellers or hawkers employed by the Bible Society or other British subjects, as an essential and indispensable part of religious liberty guaranteed by the Hatti-Humayoum and confirmed by the practice of many years.

I am, &c.
(Signed) RUSSELL.

No. 17.

Mr. Hammond to the Chairman and Secretary to the Turkish Missions Aid Society.

Gentlemen,

Foreign Office, August 18, 1864.

I AM directed by Earl Russell to acknowledge the receipt of the Memorial dated the 12th instant, and signed by you on behalf of the Turkish Missions Aid Society, respecting the alleged ill-treatment of Moslem converts at Constantinople; and in reply, I am to state to you, for the information of the Society, that his Lordship has referred their Memorial to Her Majesty's Ambassador at Constantinople, and that when an answer shall have been received from his Excellency a further communication will be made to you upon the subject.

I am to add, however, that, as at present informed, Earl Russell cannot admit that the Hatti-Humayoum has been violated by the Turkish authorities.

I am, &c.
(Signed) E. HAMMOND.

No. 18.

Mr. Hammond to the Secretary to the Society for the Propagation of the Gospel in Foreign Parts.

Sir,

Foreign Office, August 18, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 1st instant,* upon the subject of the recent religious excitement at Constantinople.

I am, &c.
(Signed) E. HAMMOND.

* No. 3.

No. 19.

*Earl Russell to the Earl of Shaftesbury.**Foreign Office, August 19, 1864.*

EARL RUSSELL presents his compliments to the Earl of Shaftesbury and begs to inclose a copy of a despatch which he has addressed to Her Majesty's Ambassador at Constantinople upon the subject of the Memorial from the British and Foreign Bible Society, signed by his Lordship, relative to the recent religious excitement in that city.*

No. 20.

*Earl Russell to Sir H. Bulwer.**Foreign Office, August 25, 1864.*

Sir,

I TRANSMIT to you herewith a copy of a Memorial which I have received from the Turkish Missions Aid Society respecting the recent alleged ill-treatment of Moslem converts at Constantinople,† and I have to state to your Excellency that I shall be glad to receive from you a report upon the subject of this Memorial.

I am, &c.

(Signed) RUSSELL.

No. 21.

Sir H. Bulwer to Earl Russell.—(Received August 29.)

My Lord,

Constantinople, August 16, 1864.

I THINK it as well to send home a letter from the agent of the Bible Society, and another from the other missionaries, with my answer thereto.

The first party seems satisfied; the last is not so, and naturally thinks its object would be better fulfilled if we could force the Turkish Government and the Turkish people to allow it to follow, without interruption, any course that it would consider advantageous to pursue for the attainment of that object.

As to the satisfaction required for British honour and themselves, the missionaries explain themselves too little for me to be able to understand or answer their accusation; but if they allude to the closing of rooms in a Turkish inn, held by an Ottoman subject, under the control of the Ottoman police, neither of these rooms even being registered in the police-office as hired by English subjects, and one, that where the books were distributed, not being hired, most assuredly, in the name of an Englishman or clergyman, I cannot conceive that on this ground British honour was tarnished, or missionaries and clergymen insulted.

In fact, the whole question is one of discretion and right. The missionaries may be acting up to their religious tenets in propagandism, and these tenets may be justified by the example of prophets and martyrs; but still, treating the matter by worldly rules, this Government may have a perfect right to interfere with their projects, and they may be imprudent in the course they adopt. I do not argue with them on other points; nor do I wish to argue with them on the question they raise. The facts are those I have stated, and every one is at liberty to place his own construction upon them.

I have, &c.

(Signed) HENRY L. BULWER.

Inclosure 1 in No. 21.

*Mr. Sellar to Sir H. Bulwer.**British and Foreign Bible Society's Depôt, Constantinople,
August 8, 1864.*

Sir,

I MUST tender your Excellency my hearty thanks for the prompt and kind action explained in your Excellency's letter of the 3rd instant.

Although the letter is marked private, I think it right to send a copy to my Committee in London, so that they may know what your Excellency has done for us; and I am sure they will feel greatly obliged to your Excellency.

It would be especially pleasing to the Committee if they could have a copy of Aali Pasha's explanation in regard to the seizure and search of our premises, so that we might enter it in the archives of the Society. This I humbly beg of your Excellency for the sake of allaying the very strong feeling which has been aroused by the late unscrupulous dealings of the Turkish authorities which we, without cause, were made subject to.

I send the accompanying letter to explain the nature of the work of our itinerant agents; and to beg your Excellency to contend for that feature of our operations remaining *in statu quo*.

I am, &c.
(Signed) W. SELLAR.

Inclosure 2 in No. 21.

Mr. Schaeffer and the Rev. C. Pfander and C. Curtis to Sir H. Bulwer.

Sir,

Constantinople, August 12, 1864.

WE, the Undersigned, beg to tender our thanks to your Excellency for your communication of August 1st, in which you state to us, at length, the views of the Turkish Government and yourself respecting missionary labour in this country.

At the same time we cannot but express our deep regret that your Excellency did not succeed in dissuading the Turkish Government from the adoption of such views, and that you have failed in procuring the release of the converts, and in obtaining for us such satisfaction for the violent and illegal proceedings of the Turkish Government against us as British honour and our character as missionaries and clergymen would require.

Should such views be adhered to and be eventually carried out, they would inevitably put a stop to all missionary effort in this land, and prove a *de facto* abolition of the important principle of religious liberty.

Since your Excellency has deemed it proper to refer the final decision to Her Majesty's Government, we shall send copies of your communication, accompanied by our comments upon it, to the London Committee of the Evangelical Alliance, and to our respective Societies. A copy of the comments we shall forward to your Excellency as soon as it is ready.

In conclusion, we beg to express our great sorrow that your Excellency thought fit to re-allege the charges laid against the missionaries by the Turkish Government, of preaching and lecturing publicly against the Mahometan religion, after our direct and emphatic denial of them.

We have, &c.
(Signed) W. G. SCHAEFFER, *Chairman of the Committee of the Evangelical Alliance.*
C. G. PFANDER, D.D., *Agent of the Church Missionary Society.*
C. E. CURTIS, M.A., *Agent of the Society for the Propagation of the Gospel in Foreign Parts.*

Inclosure 3 in No. 21.

Sir H. Bulwer to the Rev. C. Curtis, the Rev. C. G. Pfander, and Mr. Schaeffer.

Gentlemen, *Constantinople, August 16, 1864.*

I HAVE received your letter. I will not reply to the other portions of that letter, in order not to enter into a prolonged and useless controversy; but in respect to the last passage I beg to observe that what I stated and state is, that in rooms in a public inn in the heart of a Mussulman population at Constantinople, lectures and discourses were delivered, the tendency and object of which were to discredit the Mahometan religion, and prove it to be a false one; that books having a similar tendency were distributed to all who asked for them in another of those rooms, the doors of both being open or opened to all those who chose to enter therein. As to the precise language used by the preachers and lecturers, or that which the books referred to contained, I say nothing; but the facts I have enumerated were very naturally and fairly avowed to me by missionaries concerned, and can be proved if required, nor are they, I presume, denied.

Whether these facts constitute lecturing or preaching publicly against the Mahometan religion, or not, is a question which I do not decide, nor am I called upon to do so.

That they excited and were calculated to excite the Mussulmans in this city, and that such excitement might have proved exceedingly dangerous to its tranquillity and to its Christian inhabitants, I cannot deny.

I remain, &c.

(Signed) HENRY L. BULWER.

No. 22.

Sir H. Bulwer to Earl Russell.—(Received August 29.)

My Lord, *Constantinople, August 17, 1864.*

I INCLOSE your Lordship herewith copy of a Report from Mr. Pisani relative to the converts arrested at the time of the recent excitement, on the ground that their being at large at that moment tended to endanger the public peace.

Three of the nine arrested have some time ago been set at liberty. The missionaries said they were not converts, but Mussulmans.

The two now removed are sent to the Pashalic of Smyrna, where we have a Consul, and where the Pasha (Cabouli) is remarkable for his liberality and tolerance.

The other four needy men are employed so as not to be cast upon the public without subsistence, and also to have protection as being in the service of the Porte.

I have, &c.

(Signed) HENRY L. BULWER.

Inclosure in No. 22.

Mr. Pisani to Sir H. Bulwer.

Sir, *Therapia, August 16, 1864.*

I HAVE the honour to report that I am informed by Aali Pasha that the two converts whose personal safety is in danger are to be removed forthwith; the one to Aidin, and the other to Magnesia. Both these places are situated within the range of the Pashalic of Smyrna.

The others will remain here, not confined, but in the employ of the police, as attendants to the hospital and prison.

I have, &c.

(Signed) E. PISANI.

Lord Chichester to Earl Russell. — (Received August 29.)

My Lord, *Stanmer, August 27, 1864.*
 I HAVE the honour to transmit the accompanying Memorial addressed to
 your Lordship by the Church Missionary Society. I have, &c.
(Signed) CHICHESTER.

Inclosure in No. 23.

Memorial from the Church Missionary Society.

To the Right Hon. the Earl Russell, Her Majesty's Secretary of State for Foreign Affairs.

The Memorial of the Right Hon. the President and the Committee of the Church Missionary Society.

YOUR Memorialists beg respectfully but earnestly to appeal to your Lordship against certain acts which have lately taken place at Constantinople, under the sanction of the Turkish Government, and which they conceive to be at variance with the Diplomatic engagements (to adopt a term employed in official documents in 1856) into which the Porte has entered with Great Britain.

Your Memorialists have maintained missionaries in Constantinople for the last four years. They are men on whose experience and prudence the fullest reliance may be placed. They have never attempted to preach in streets or bazaars, but only in private and hired rooms, to such persons as have come to them expressly seeking Christian instruction.

In such rooms or at their own houses they have distributed by gift, or more generally by sale, the Holy Scriptures and books in defence of the Christian faith, and pointing out the errors of Islam in a respectful and conciliatory tone. Three or four Mahometans have embraced the Christian faith and received Christian baptism.

In the midst of these unobtrusive and legitimate labours to recommend the Christian religion to others, the hired rooms of the missionaries were suddenly invaded by the police, without previous notice or warning, and closed; all the Christian books were taken away, and not only their few converts but other persons, who had merely visited their rooms, were seized, imprisoned, and are threatened with deportation from their homes and employments to distant places.

Your Memorialists regard these arbitrary and violent proceedings as a direct violation of the very letter, as well as of the spirit of the Hatti-sheriff granted February 1856, at the urgent demand of England and France, and as a condition of their continued endeavours to rescue Turkey from the grasp of Russia. The Article in the Hatti-sheriff which has been violated is in these words:—

“As all religions are freely professed in my dominions, none of my subjects shall be hindered in the exercise of the religion he professes, nor shall be molested in the exercise of it.”

It appears from the Sessional Papers presented to Parliament in 1856, entitled “Eastern Papers, part 18, respecting Christian privileges in Turkey,” that the terms of this Article were the subject of much correspondence, that they were in substance drawn up by the British Ambassador at the Porte, Lord Stratford de Redcliffe, and sanctioned by Lord Clarendon, in the name of Her Majesty's Government.

It appears also from the same papers that this edict of toleration was not merely an Article in the Hatti-sheriff of 1856, but was the subject of an official engagement with the British Government. In proof of this statement your Memorialists refer to a note of Lord Stratford de Redcliffe, January 25, 1856 (p. 55), (sanctioned by Lord Clarendon, February 13, 1856, p. 59), which insists upon toleration and liberty of conscience in these emphatic terms:—“England and France, as every one knows, are making gigantic efforts, and submitting to enormous sacrifices, in support of the Sultan's empire. Though many glorious successes have marked the progress of their arms, they have still a wide field of exertion before them, and Providence alone can determine the final issue.”

"Such are the circumstances under which the Undersigned is instructed by his Government to press this subject most earnestly on the attention of the Ottoman Porte. He is ordered to observe that the great European Powers can never consent to perpetuate, by the triumphs of their fleets and armies, the enforcement in Turkey of a law which is not only a standing insult to them but a source of cruel persecution to their fellow-Christians. They are entitled to demand, and the British Government distinctly demands, that the Mahometan who turns Christian shall be as free from every kind of punishment on that account as the Christian who embraces the Mahometan faith. It stands to reason that, in all such cases, the human conscience being left free, the temporal arm must abstain from interfering to coerce its spiritual convictions."

To the same effect is a despatch of Lord Stratford de Redcliffe to Lord Clarendon, February 12, 1856 (p. 66), in which the following statement occurs:—

"Your Lordship will perceive that the Porte acknowledges and confirms its former declaration respecting renegades and extends it expressly to all, including Mussulmans, though not mentioned by name. It is an official note signed by the Secretary of State, and given expressly with the Sultan's sanction. Taken in connection with the Article recommended by the three Representatives, adopted by the Porte, and inserted in the Sultan's firman invested with a Hatti-sherif, it may be viewed as covering the whole of your Lordship's requisition.

"The law of the Koran is not abolished, it is true, respecting renegades, and the Sultan's Ministers affirm that such a stretch of authority would exceed even His Majesty's legal power. But, however that may be, the practical application of it is renounced by means of a public document, and Her Majesty's Government would at any time be justified in complaining of a breach of engagement if the Porte were to authorize or to permit any exception to its own official declaration."

And once more your Memorialists refer to a despatch of Lord Clarendon to Lord Stratford de Redcliffe, dated Foreign Office, March 5, 1856 (p. 81), in which these words occur:—

"I have to state to your Excellency that Her Majesty's Government are satisfied with the reply which the Porte has thus made to the representations of Her Majesty's Government on this subject, and they consider that the declarations contained in Fuad Pasha's note may be effectually appealed to hereafter if any renewal should take place of molestation of converts from Islam to Christianity."

It must be borne in mind that Christian missionaries were at this time labouring in Constantinople and other parts of the Turkish dominions, and that some Turks had been already converted to Christianity. It is clear, therefore, that the terms and spirit of these documents guarantee to the Mahometan convert the exercise of all legitimate means of informing his conscience, by resort to Christian missionaries; and that it guarantees to those missionaries the reasonable and peaceable exercise of their office. It would have been a mere mockery to guarantee to the inquirer immunity after he had actually embraced the Christian faith, whilst the "temporal arm" might interfere to prevent all reasonable means of his becoming acquainted with the claims of the Christian religion.

Your Memorialists, therefore, take their stand upon the concessions and stipulations between the Turkish Government and the British Government in 1856 in behalf of religious toleration in Turkey, and they contend that their missionaries have in no respect violated on their part the spirit of that agreement, and they claim that they should not be brought under any such restrictions as are inconsistent with the concessions of 1856.

They claim also on behalf of the Turkish converts and inquirers that they shall have the full liberty of conscience and exemption from all molestation to which the Porte pledged itself to the British Government in the "Diplomatic Agreement" entered into in 1856.

Your Memorialists cannot close this statement without referring to certain excuses which are now made by the Turkish Government for their injurious conduct—excuses which were anticipated and repudiated in the correspondence of 1856.

The first excuse of the Turkish Government is, that the converts have been imprisoned for their personal safety. The same excuse was made in 1856, and was repudiated by Lord Stratford de Redcliffe in a despatch October 16, 1855 (p. 27), in these words:—

"The confinement of accused individuals, their removal to a distance for trial,

and their temporary exile, were treated as means employed of necessity by the Government to evade the violence, or to deceive the bigotry, of an exasperated populace." But Lord Stratford adds,—“This is an excuse which it is dangerous to accept.” And when, a short time afterwards, he drew up the Article of Toleration in the Hatti-sherif, he manifestly shut the door against such “a dangerous excuse” for the time to come.

Yet on the present occasion Her Majesty's Ambassador has informed the missionaries that the native converts were placed in confinement for their own protection, and as a measure of precaution against popular excitement, and that as they were Turkish subjects he could not interfere. Your Memorialists have much reliable evidence to the effect that the plea of a popular disturbance in the present case had no sufficient foundation; but they regard the excuse, under any circumstance, as one “which it is dangerous to accept.”

A second excuse has been made by the Turkish Government, namely, that they cannot allow the Mussulman religion to be insulted. Thus in 1856 the Turkish Government justified the putting a renegade to death on the ground that he was guilty of blasphemy against Mahomet. But Lord Clarendon in his despatch September 17, 1855 (p. 21), wrote:—

“Her Majesty's Government are aware that it may be said by the Turkish Government that in these cases (namely, the putting of apostates to death) the victims suffered death, not for change of religion, but for blasphemy; but such an excuse would be a mere evasion, because a departure from Mahometanism and the profession of Christianity must be accompanied by circumstances which a Turk would easily represent as constituting blasphemy.”

And Lord Stratford de Redcliffe addressed the Porte in these words:—

“The Porte will doubtless bear in mind that society may be secured against sedition working under religious forms, and that religion itself may be secured from reproach, by special enactments applied with judgment and moderation to cases of open turbulence and undisguised blasphemy.”

But on the present occasion the following loose and arbitrary dicta of the Turkish Government have been communicated by the Ambassador to the missionaries:—

“The Turkish Government will not allow any attempts, public or private, to assail the Mussulman religion.

“Government will not allow their missionaries or their agents to speak publicly against Mahometanism.

“The Turkish Government thinks you insult the Mussulman religion when you endeavour to prove to the Mussulman public that it is false.

“It will not allow the sale or distribution, public or private, of any controversial books.”

Lord Clarendon's reply to the plea of blasphemy may be applied *à fortiori* to the pleas of insult or of assailing the Mussulman religion.

Your memorialists understand that Dr. Pfander's controversial works have been represented as insulting to Mahometanism. Sir Edmund Hornby, the Consular Judge at Constantinople, has already obtained from Dr. Pfander a full account of these works, which is to be transmitted to your Lordship. Your memorialists will only, therefore, observe that these works were first published in India fifteen years ago. Nearly 60,000 copies of them have been printed and circulated in India, mainly through the exertions and at the expense of civil and military officers of the Indian Government, on the ground that they are written in a candid and conciliatory tone, and are specimens of fair and able controversy. No charge has ever been made against them of insulting the Mahometan religion. Their character is thus described by an experienced missionary in India without any reference to the present case. The Rev. J. G. Deimler, a missionary among the Mahometans of Bombay and its vicinity, writes in one of his last letters:—“Dr. Pfander's works are everywhere well received as being solid and profound, exhibiting the truth as it is in Jesus against the falsehoods of Islam in a mild and persuasive rather than in a denouncing tone, and showing a thorough acquaintance with the Moslem literature and habits of thought.”

By order of the Committee,
 (Signed) CHICHESTER, *President*.
 CHRISTOPHER C. FENN, } *Secretaries*.
 M. DAWES,

Church Missionary House,
 August 22, 1864.

Sir H. Bulwer to Earl Russell.—(Received September 2.)

My Lord,

Constantinople, August 22, 1864.

AS there has been a question about a certain work attacking the Mahometan faith, written by the Rev. Dr. Pfander, and distributed, with others, at one of the khans in the manner described in my despatch of the 2nd instant, I deem it proper to transmit herewith to your Lordship the copy of a letter I addressed to him in the month of July last year, warning him more or less of the consequences that might be apprehended from the publication of this and similar works in Turkey, and, in fact, stating beforehand my inability to extend to him the protection of this Embassy under the circumstances pointed out in that letter. Since then, notwithstanding, this work, printed abroad, has been imported and circulated here.

I have, &c.

(Signed) HENRY L. BULWER.

Inclosure in No. 24.

Sir H. Bulwer to the Rev. Dr. Pfander.

Sir,

Therapia, July 28, 1863.

I RETURN your Turkish manuscript. The Turkish Government has the privilege which other Governments possess, of regulating publications in its own Empire, and if any publication is brought out into Turkey attacking the Mahometan religion, it would have a right, if it thought proper, to prohibit its circulation, and to punish those who were concerned in it, and I should have no right to protect the parties.

It is right I should add that such publications in a country like this might probably lead to great calamities, and it certainly would, in my opinion, rather tend to counteract than to aid the cause of conversion.

I cannot, therefore, recommend Her Majesty's Government to take any step in the matter.

I am, &c.

(Signed) HENRY L. BULWER.

No. 25.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, September 3, 1864.

I HAVE received your Excellency's despatch of the 16th ultimo, inclosing copies of a correspondence which you had with the agent of the Bible Society and other missionaries with regard to the recent religious excitement at Constantinople. And I have to refer you to the instructions which I have already addressed to your Excellency upon this subject.

I am, &c.

(Signed) RUSSELL.

No. 26.

Mr. Hammond to the President and Secretaries of the Church Missionary Society.

Gentlemen.

Foreign Office, September 3, 1864.

I AM directed by Earl Russell to acknowledge the receipt of the Memorial which you addressed to his Lordship on the 22nd ultimo on behalf of the Church Missionary Society, upon the subject of the late religious excitement in Constantinople; and I am to state to you in reply that his Lordship is ready to represent to the Turkish Government any case in which complaints of wrong done to British missionaries are involved, provided always that the parties complaining have not justly incurred the imputation of having caused, or having been likely to cause,

disturbance in public places. But I am to observe that in England persons are not allowed to cause disturbance by preaching in the streets, and that in Turkey a khan is as public as a bazaar.

I am, &c.
(Signed) E. HAMMOND.

No. 27.

Mr. Hammond to Lord Chichester.

My Lord,

Foreign Office, September 3, 1864.

I AM directed by Earl Russell to transmit to you the accompanying answer* which his Lordship has caused to be addressed to the Memorial signed by your Lordship and others on behalf of the Church Missionary Society upon the subject of the recent religious excitement at Constantinople, and which was inclosed in your Lordship's note of the 27th ultimo.

I am, &c.
(Signed) E. HAMMOND.

No. 28.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, September 8, 1864.

I TRANSMIT herewith, for your Excellency's information, a copy of a Memoria which I have received from the Church Missionary Society, respecting the late religious excitement at Constantinople; together with a copy of the reply which I have caused to be addressed thereto.†

I am, &c.
(Signed) RUSSELL.

No. 29.

Sir H. Bulwer to Earl Russell.—(Received September 9.)

My Lord,

Constantinople, August 31, 1864.

I HAVE the honour to forward herewith to your Lordship copies of a correspondence which has passed between the Rev. Mr. Koelle and myself on the subject of the late event.

I have, &c.
(Signed) H. L. BULWER.

Inclosure 1 in No. 29.

Sir H. Bulwer to the Rev. S. Koelle.

Sir,

Constantinople, August 16, 1864.

I AM much obliged to you for your letter, for it is evidently written with the best intentions. A great many questions, religious and social, blend themselves together in missionary work, and though it is easy to decide as to what would be right if it would be expedient, it is difficult to draw a broad and clear line between what is expedient and what is not.

I cannot, of course, mean to forbid or check missionary labour, if it does not lead to political difficulties or social disturbances; and, as far as I can see, the present Government in Turkey does not desire to interfere in missionary matters except when such difficulties and disturbances have arisen or seem likely to arise.

It would no doubt be impossible for the Ministers of a Mussulman Government to say—"We allow persons to do their utmost to turn our people from their

* No. 26.

† Inclosure in No. 23, and No. 26.

religion, if they do so in a quiet and civil manner;" they would instantly be held up by their co-religionists as enemies to their faith, and there is an essential difference in saying—"We will not punish Mahometans for becoming Christians," or saying—"We will countenance Christians in converting Mahometans." But I feel persuaded that if the work of the missionaries is carried on in such a manner as not to excite strongly the public opinion of Mussulmans against it, there will not be any fanatical intervention on the part of the authorities.

On the other hand, were that public opinion to be violently aroused, then it is clear that the Turkish Government, whatever promises it had made, could not resist it; nor could we compel it to permit things which it might tell us would lead to a general and sudden outbreak against Christians. General rules cannot be laid down on paper on such matters; they have to be dealt with by the ordinary suggestions of equity and common sense as they occur.

Had it not been for the rooms taken at inns in the heart of Constantinople, and the lectures given and books distributed there, I don't believe any of the recent measures would have been adopted; a cessation from efforts like these on one side would probably disarm opposition on the other.

Finally, I cannot promise you to do anything for missionaries, however much I may esteem their character and approve their labour, that would be likely, in my judgment, to provoke convulsions, to instil hatred and suspicions into the Mussulman mind against all who profess Christianity, or tend to impede that fusion of European and Eastern manners which, I believe, is to be the greatest help that Christianity can receive in these countries; but, on the other hand, I shall always be willing, as I have always hitherto been anxious, to give the missionaries every assistance in my power conformable with my other duties and obligations; and though as a public man I am always willing to incur public responsibility, I think if they understand me properly they will not consider me the adversary of their calling because I express frankly my opinion against acts which I believe likely to be injurious.

I am, &c.
(Signed) H. L. BULWER.

Inclosure 2 in No. 29.

The Rev. S. Koelle to Sir H. Bulwer.

Sir,

Constantinople, August 22, 1864.

I AM much obliged to your Excellency for your favour of the 16th instant, for it seems to me so fair and indicative of such an estimation of missionary work as to be well calculated to form the basis of a final arrangement, satisfactory to both parties under existing circumstances.

To-day I laid your Excellency's letter before my brother missionaries assembled in conference. They were of opinion that having already referred the matter in question to their friends in England, they could not re-open a correspondence with your Excellency on the subject. But they agreed to forward a copy of your Excellency's letter to the friends in England to whom they had already sent the previous documents, that those friends might have the benefit of this latest kindly expression of your Excellency's mind. I believe that thus your Excellency's letter will essentially contribute to the removal of misunderstandings and the amicable arrangement of existing difficulties.

My brother missionaries also requested me to embrace this opportunity to say to your Excellency that we still look to your kind and continued endeavours to see the imprisoned Osmanli Christians set at liberty.

I should have replied to your Excellency's favour before this if I had not wished to bring the letter first before a meeting of the missionaries.

I have, &c.
(Signed) S. W. KOELLE.

Sir H. Bulwer to Earl Russell.—(Received September 17.)

(Extract.)

Constantinople, August 29, 1864.

I DID not fail to communicate to Aali Pasha your Lordship's instructions relative to the sale of the Bible, contained in your despatch of the 17th instant.

His Highness said he would write to M. Musurus on the subject.

Without entering in detail into all that was urged by either of us on the question we discussed, this was about the substance of Aali Pasha's observations:—

"The circulation of the Bible is and has been freely allowed by the Turkish Government, for many Mussulmans hold it to be a sacred book, but the Bible Society could never support its supposition that it has acquired any positive right to circulate the Bible. There is no act, no document giving that Society this right, and the assertion of it would produce an effect opposite to that desire.

"The great difficulties as to its being hawked about are these.

"First, the hawkers not unfrequently, by an over-zeal, offend persons by placing the Bible indiscreetly in their hands in the streets and steam-boats, causing thereby an irritation against the distribution of the Book itself.

"Secondly and principally, when persons travel about the country selling books it is difficult to control their conduct, or know what books they sell—books like Mr. Pfander's may be sold just as well as the Bible; even those seditious political tracts which Greek agents are often propagating. It is difficult for the police to know who are the agents of the Bible Society selling Bibles, or who are the agents of other parties selling books of a perfectly opposite character. It is difficult for the Society itself to control, or even to know the conduct of its own agents. Whereas what is done in a shop or regular place is under surveillance, &c., &c."

To all this my answer was very simple.

The practice has gone on for a very long time without any serious complaints up to this period. It would never have been noticed but for these recent affairs, and I cannot see why it should not now go on harmlessly, as it formerly did. The Bible Society might give tickets to its agents if that was a security for the police; and any new regulations at this moment would produce a very bad effect on public opinion in England, the more especially as the Bible Society has always conducted itself quietly and respectably.

In short, I urged the request of the petitioners in every possible way, without obtaining a positive dissent or assent.

The impression left on my mind is that the Porte will never grant this request in such a manner as to accord a positive and irrevocable right, and the fact that the Bible Society now claims as a right what has been, according to Aali Pasha, merely an admitted custom, will make the Government here more sensitive on this point. At the same time I think the police will be told to let matters go on as heretofore without interference, unless there is some very particular call for it.

The Porte is always and naturally passive; and only becomes active under strong pressure. In asking it to do anything you are likely to be refused; in expressing a wish that it should do nothing, your wish is likely to be gratified. There is, moreover, a great deal of delicacy and difficulty in treating all these matters officially with the Government at this time. The present Administration, composed almost entirely of enlightened men who speak the foreign languages, and adopt in a certain degree the foreign customs, is viewed with great suspicion and jealousy by many Mussulmans, and by a very considerable body of the Mahometan priesthood. Their accusations, carried to the foot of the throne, are that the present Ministers are enemies to the Mussulman faith, and secretly leagued with foreigners against it. These accusations place the Ministers in question in a very false and difficult position when privileges which may be construed as favourable to the spread of the Christian religion are demanded.

Had not the missionaries gone out of their way to excite attention by taking rooms in these inns, and spreading Dr. Pfander's book of controversy, I do not believe that they would have been in the slightest degree disturbed. My advice is to let all these matters at the moment drop, and I have then little doubt that things will continue to go on quietly, much as they did before.

I should add that the Porte looks at the Bible Society very differently from the other Missionary Societies; and I even obtained the permission two years since to have a Turkish edition of the Bible printed in Turkey.

It is but justice to add that the agents of this Society also conduct themselves in general with prudence and propriety, and it is only necessary to be careful as to the servants they employ and the instructions they give them.

P.S. October 8.—I have seen the Minister of Police this morning. It is as I have said—there is no intention to interfere with the colporteurs if they conduct themselves quietly.

No. 31.

Earl Russell to Sir H. Bulwer.

ir, *Foreign Office, September 17, 1864.*

I HAVE to acquaint your Excellency that I approve the letter which you addressed to the Rev. Mr. Koelle, a copy of which is inclosed in your despatch of the 31st ultimo, relative to the recent religious excitement at Constantinople.

I am, &c.

(Signed) RUSSELL.

No. 32.

Sir H. Bulwer to Earl Russell.—(Received September 19.)

My Lord,

Constantinople, September 7, 1864.

I HAVE read the Memorial which the Turkish Missions Aid Society has presented to your Lordship with regret, because that Memorial shows the very great injustice to which a public man, performing his duties in a foreign country, may be exposed by misrepresentations and misstatements as to his conduct.

I shall first proceed to notice this Memorial where it affects myself.

It states that the Turkish Missions Aid Society "has been credibly informed" that certain proceedings of which it complains took place with my foreknowledge, and that I never said or did anything to prevent them.

Now your Lordship is aware that what I especially blamed the Turkish Government for was, adopting these proceedings without warning me of its intention to do so; its excuse was that it acted on the spur of the moment and under the persuasion that great calamities might have taken place if it had not so acted at once.

As I can see no other reasonable cause for the silence it observed, I am inclined to believe in this one; but at all events, the assertion that I knew what was about to be done before it was actually done, is completely without foundation.

The next error which concerns me personally is, "that the dépôt of the Bible Society and the American printing-press were seized, and that these were only set free at the instance of the American Chargé d'Affaires, and that I, the British Ambassador, took no steps, whatsoever in the matter."

This accusation surprises me the more since half Constantinople knew that I had no sooner heard of the seizure referred to than I not only insisted on having the Bible-shop—rented by an Englishman—instantly opened, but went so far as to declare that unless it were so, and a suitable apology made to me for having closed it without due information having been given to our authorities, I should break off my relations with the Porte.

Aali Pasha declared that he was not aware that the shop in question was rented by an Englishman, but that if it were, he would at once comply with my request; and the only circumstance that could at all colour the report that the Mission Aid Society received is, that when Mr. Pisani went to the Porte in order to see that the promise given to me was fulfilled, and that Aali Pasha requested that the premises in question should be inspected when the police were withdrawn from them, the American Chargé d'Affaires, who was at the Porte at the same time as Mr. Pisani, and who was interested in the same question, offered to be present at that inspection, which offer Mr. Pisani, who had a good deal of other business to transact, thought rendered his own presence unnecessary; but I think I may leave it to common sense to decide as to whether the Turkish Government yielded to the request of the American Chargé d'Affaires, or to that of the British Ambassador, when the point at issue was a house hired by an Englishman.

I also obtained, with more difficulty, that the guard should be taken from the rooms in the inns, and that these should be again delivered up to the missionaries who said they had rented them; but I could not, and did not, request that they should be used in the same manner that they had been previously.

Furthermore, Mr. Curtis, who has been in the habit of having a Turkish convert officiate in the Turkish language as a Protestant clergyman in his school-room at Pera, apprehending that this would be interfered with by the police, I obtained a promise from Aali Pasha that no such interference should take place, and as a greater security went myself to the said school-room, and staid there throughout the performance of the Church service.

In short, it was impossible for any one to act with more vigour than I did in behalf of the missionaries whenever I thought their proceedings would not be attended with mischief, though no one could be more resolutely determined than I was not to countenance any of their acts which I disapproved of; and when these gentlemen accuse me of want of firmness, they force me to observe that strength of character is better shown by refusing to do what you do not think it right to do, than by yielding to what you believe to be unwise or unjust demands.

With respect to the main question at issue I have already stated my opinions so fully that I fear to weary your Lordship by repeating them.

Certain missionaries, if I understand them correctly, contend that religious liberty is not merely a sanction for every one to adopt his own religion and practise it, but also for every one to criticize and attack the religion of his neighbour. The Ottoman Government does not give to religious liberty this last signification, and is disposed to repress every effort at conversion which excites angry and hostile feelings amongst the different classes of the Ottoman community.

Let us admit that the sense in which the missionaries interpret religious liberty is the most complete, I think we must admit also that it is not equally adapted to all countries, and that every Government is obliged to frame the conduct it pursues in regard to religious, as in regard to other matters, with some reference to the feelings of its population, or, in other words, with some reference to the actual necessities of its position.

There are some well-disposed persons who are prepared, nevertheless, to assert that these necessities are not to be taken into account in Turkey; that missionaries have the right to pursue any course they deem best adapted for spreading Christianity and putting down Mahometanism in these countries, and that the Sultan and his Ministers are bound to permit this, even if rebellion and massacre are to be the consequence. It is superfluous to argue against such doctrines: whether right or wrong, another crusade is the only means of supporting them.

Looking at things reasonably, it is but just to observe that this Government, at this time, is about the most tolerant in Europe. Protestants enjoy greater freedom in it than they do in almost every Catholic country; but there are certain things which a Mussulman Government cannot permit, and would not be allowed to permit, even were it inclined to do so, and amongst these, is any ostentatious display on the part of Christian missionaries to turn Mussulmans from their faith, or to discredit that faith in the eyes of the Mussulman public.

It is well that missionaries should know this, and stop before they arrive at the point where they will be certain to meet with resistance.

This resistance is to be expected from the fact that the Mahometan religion is the dominant religion in the Ottoman dominions; it is the religion of the Sovereign, of the army, of the navy, and of all the high functionaries and superior classes: but I am justified in adding (and I do not think that the observation I am about to make has struck all those who are anxious to favour Christian interests in these countries), that it is very questionable whether in reference to general Christian interests, any particular Christian sect is acting fairly or advisedly in following out an irritable plan of conversion.

At all events the policy we, in conjunction with our Christian allies, are pursuing in Turkey—a policy in which we have been considerably aided by the enlightened Turkish Ministers now in power—has been that of elevating the position of the Christian subjects of the Porte, and assimilating such position as far as possible with that of the Mahometan. This policy has been making remarkable progress within the last two or three years, but it would be stopped at once by arousing any violent sentiment in the Mussulman mind against Christians. To induce Mahometans to suppose that if Christians once rose to power and authority, and to an equality with the Mussulmans, they would never be satisfied unless they

trampled under foot the Mussulman faith, is to give the fanatical Mussulman party an irresistible strength throughout the Empire.

A question of fact, however, here arises, and I am sorry that I have to treat it.

Many of the Turkish missionaries have now, I see, put forward the statement that they did not in those rooms taken at the inns—rooms to which I am obliged so often to refer—preach or lecture against the Mohometan religion, but merely gave explanations to those who came to them as to the errors of that religion.

I might understand this distinction if such explanations had been given to one individual at a time in a private room; but to point out the errors of Mahometanism to any individual who presents himself in a room in a “khan” into which all persons can enter, makes the difference between preaching, lecturing, or explaining a mere difference of name: indeed, this assumption of a real difference where there is simply a nominal one, puts me in mind of another case of precisely the same nature.

A missionary was assuring me that the books he distributed were not attacks upon Mahometanism. I said, “Would you be kind enough to show me a list of them?” He took an English list out of his pocket, and the first title I saw was “Proofs of the falsehood of the Mahometan religion.” “Well,” I said, “this is hardly consistent with the assertion you just made me.” “Oh,” said the missionary, “the title you see is the English name we give to the work, in Turkish we give it another name.”

I regret, I confess, to mark this quibbling about names or forms. I have not, either in my correspondence with your Lordship or with the missionaries, ever made use of or referred to the reports made by persons who were present at the sermons, lectures, or explanations of which I am speaking, as to the language used on these occasions by missionaries and converts, because I did not deem it desirable to bring the missionaries and the Turkish authorities into dispute as to a question of facts, when my object was not dispute but reconciliation, and when I did not consider the question at issue of any real importance.

It seems to me sufficient to say that the missionaries by hiring rooms in an inn in the very centre of the Mussulman population at Constantinople, and by making it notorious that they did so for the purpose of turning Mussulmans from the national belief, created a violent and dangerous feeling of dissatisfaction amongst Mussulmans, which feeling might have led and was calculated to lead to very serious disorders; and that the Turkish Government, charged with the duty of preventing such disorders, was justified in preventing what was likely to cause them.

I do not deny that the Turkish Government did very clumsily what it was justified in doing, and where an apology was necessary I exacted such apology from it; but, on the other hand, I blamed, and blame, the missionaries for adopting measures which were likely to excite the Mussulman population, and thus to call for the interference of the Turkish Government.

I know that certain people, whilst acknowledging that all the high functionaries were indignant at the proceedings of the missionaries, and that the “Ulemas” protested against them, deny that there was any excitement on the subject. I leave it to them to reconcile what seem two contradictory statements. Suffice it for me to repeat my conviction that at the moment I am referring to, there was growing up a very strong and general excitement; this did not manifest itself by shouts or noise, or breaking of windows, as it would at its commencement in Europe, or even amongst the Christian races in the East, but it was growing up quietly, gradually, and silently, as such excitement always does grow up amongst Mussulmans, until it bursts out suddenly, and almost without warning, in a terrible and overwhelming tumult; and I think that any one who has long resided amongst Mussulman populations will acknowledge that under such circumstances a tumult of this description would have been naturally and inevitably brought about.

As to the persons who were arrested, and are said by the missionaries to have been arrested as converts, these were Ottoman subjects; the Ottoman Government declared they were not arrested as converts (pointing to the fact that the most notorious converts were at liberty), but as persons who had either put their own lives in peril or excited disturbance; and the police said that if they were left at large, it could not be answerable for their lives or for the public tranquillity.

The question was whether, under such circumstances, I could take upon myself the responsibility of providing for their safety or the peace of Constantinople, and as I could not take upon myself such responsibility I did not attempt to assume it; but I told the Turkish Government that its conduct would be watched, and that

any cruelty to or persecution of the persons in question would be very seriously resented by the Christian sentiment in Europe. I have only to add that in contradiction to the most unfounded calumnies, most unfairly spread, every attention has been shown to all those persons whilst in confinement; four or five have already been set free; two who were certainly in danger here have been removed to Smyrna with letters to the Governor, who is ordered to take care of them; and the three remaining will within a short time be released.

Finally, although I have felt it my duty to answer the charges made by the Turkish Missions Aid Society in their Memorial which your Lordship forwarded to me, I believe from different communications that have since passed between myself and the missionaries that these charges would not now be maintained: many of these gentlemen seemed at first disposed to consider that because I was not willing to support them to the full extent of their wishes, I was hostile to the object they had at heart. I need hardly say that this conclusion is erroneous; but it happened on this occasion as it happens on all others of a similar description, the stupid, violent, and malicious tried to make things worse than they were, and to impose on the English missionaries by all sorts of false and exaggerated reports.

Individually, these missionaries are excellent men with the best intentions, but if they would take my advice they would adopt the course generally taken by the American missionaries, who have made a reputation for themselves rather as general teachers than as religious teachers, and pass for being more anxious to be useful amongst all religious sects than for bringing over men of other religions to their own. This course would, I think, amalgamate better than any other with the changes in the East which the progress of Western civilisation must produce, and can alone, in my humble opinion, produce any great effect amongst populations accustomed rather to regard morality and look up to superiority than to investigate mysteries and decide on doctrines. At all events, my aid will be always given to the members of the Turkish Missions Aid Society within the limits which my other duties permit, and I trust that they will not hastily exact from me what those duties will not allow me to perform.

I have, &c.

(Signed) HENRY L. BULWER.

No. 33.

Mr. Hammond to Messrs. Yates and Jones.

Gentlemen,

Foreign Office, September 22, 1864.

WITH reference to my letter of the 18th ultimo, I am directed by Earl Russell to transmit to you, to be laid before the Turkish Missions Aid Society, the accompanying copy of a despatch from Her Majesty's Ambassador at Constantinople,* containing observations respecting the alleged ill-treatment of Moslem converts as referred to in your Memorial of the 12th of August last.

I am, &c.

(Signed) HAMMOND.

No. 34.

Lord Chichester to Earl Russell.—(Received September 22.)

My Lord,

Church Missionary House, September , 1864.

1. THE Committee of the Church Missionary Society beg to acknowledge your Lordship's letter of September 3rd, in reply to their Memorial on the subject of the late proceedings of the Turkish authorities against the missionaries of the Society, and against Turkish Christian converts in Constantinople.

2. The Committee gratefully acknowledge your Lordship's distinct assurance that you are "ready to represent to the Turkish Government any case in which complaints of wrong done to British missionaries are involved, provided always that the parties complaining have not justly incurred the imputation of having caused, or having been like to cause, disturbance in public places."

3. Your Lordship desires, we presume, the statement of specific instances of the wrong done of which we complain. We beg therefore to refer to the arbitrary treatment of the missionaries and their property on Monday, 18th July last.

4. Private rooms which they had hired by the year were forcibly entered by the armed Turkish police, without notice or warning, and taken possession of, and the entrance of the missionary debarred; books and manuscripts were seized, and Christian converts from Mahometanism and others who had visited the missionaries with a view to Christian instruction were arrested, and ignominiously carried to the public prisons.

5. The Committee are aware that since these acts have been protested against, the Turkish authorities have alleged that the converts were arrested for their own personal safety, and to prevent public disturbance. But their personal safety might have been secured in a friendly way. The Committee complain of the unnecessary annoyance inflicted upon the converts, and the public insult to the Christian faith perpetrated upon them and the Christian missionaries.

6. Your Lordship has added the proviso, that the parties complaining of wrongs "must not have justly incurred the imputation of having caused, or having been likely to cause, disturbance in public places." In this proviso the Committee entirely concur, and they have evidence to show that their missionaries have abstained from preaching or distributing books in any public places, and that there have never been the slightest indications of "disturbances in the public places" arising from their presence or proceedings.

7. Your Lordship observes that "in England persons are not allowed to cause disturbances by preaching in the streets, and that in Turkey a khan is as public as a bazaar." The Committee desire to explain to your Lordship that the khan in which their missionaries had hired rooms by the year was not of the description of a public inn or bazaar. It consisted of private rooms, under separate locks and keys, which merchants and travellers hire by the day, month, or year, for housing their goods or for residence. The keys of the rooms hired by the missionaries were in their own keeping, and the rooms were as much private tenements as the rooms hired in the Albany of London.

8. That these rooms were recognized by the Consular authorities in Constantinople as in English occupancy may be proved by the immediate application of the Consular Judge, Sir Edmund Hornby, to the Turkish police, to give the missionaries repossession of the rooms, upon hearing from the missionaries the wrong which had been done. The Turkish police refused to attend to the demand of the Consul, on the ground that they were acting under the authority of the Minister for Foreign Affairs with the cognizance of the British Ambassador.

9. The Committee will only further direct your Lordship's attention to a letter of a well-known English clergyman, Rev. Benjamin Philpot, rector of Lydney, Gloucestershire, and formerly Archdeacon of the Isle of Man, who was in Constantinople at the time of these events, was well acquainted with the khan in question, and who had a private interview with the Ambassador on these questions.

By order of the Committee,

(Signed) CHICHESTER, *President.*

(Signed) HENRY VENN,
R. LONG,
M. DAWES, } *Secretaries, Church Missionary Society.*

Inclosure in No. 34.

The Rev. B. Philpot to the Earl of Chichester.

My Lord,

Lydney, Gloucestershire, September 16, 1864.

AS I happened to be staying at Constantinople, a guest of one of the missionaries of your Society, at the time of the violent aggression upon the mission by the Turkish police, and was present at the interview with our Ambassador upon the subject, I am in a position to explain many of the circumstances of the case, which may be easily misunderstood by those at a distance.

I beg, therefore, to address to your Lordship the following remarks, in the hope that they may be of use in the representations which the Society will doubtless make to the Home Government.

I made myself well acquainted with all the plans and operations of the missionary staff at Constantinople, and I am confident that a set of abler, wiser, and holier men could nowhere be found.

The missionaries of your Society have never attempted to preach in public places, or in any other way to attract public attention. They have never insulted or attacked the Mahometan religion, or given any other cause of offence than that which is inseparable from a fair comparison of the claims of Christianity and Mahometanism. The books which they have circulated are written in the same spirit.

The khan in which the missionaries hired rooms is an ancient building, with a courtyard, and a number of small rooms opening upon galleries which run round each story. These rooms are hired by the night, week, or year; sometimes for sleeping in, and for stowing away unsold merchandize, &c.; but all strictly for private purposes. On the third gallery your Society hired, by the year, two small rooms, on opposite sides—one for receiving visitors, and the other for a servant. To this room Turks, Greeks, and Armenians come to hear, and to speak with the missionaries. There is no preaching outside the room; and the khan, instead of being in a public place, is difficult to reach through the narrow dirty alley which leads to it. The khan is about thirty feet by twenty, and has all the appearance of an old deserted stable-yard in ruins.

These are the rooms which were suddenly seized, nailed up, and guarded by zaptiehs or military police, by order of Aali Pasha. In our interview with the Ambassador he admitted the illegality of the act, and said that he should demand redress, but I have not heard that this has been done.

I believe that ten Turks who had visited these rooms, and the owners of the khan, were seized and shut up in prison, under threat of expatriation. Three of them have been released since I left, on promising not to forsake their religion. Two have been banished, one to Aidin, and the other to Magnesia, both known as fanatical places; and the others have performed certain acts of Moslem devotion, which have been accepted as a confession of Mahometanism, and will probably be released.

That the object was to degrade and crush Protestantism in the eyes of the Turks was to me very evident; and if any further proof were needed, it is shown by the gross personal wrong done to Rev. Mr. William, a converted Turk, and ordained Minister of our Church. He was just entering a licensed school-room belonging to the Society for the Propagation of the Gospel on a Sunday morning to perform divine service, when he was seized with a violence which left its injuries for many days, by four armed men (in Turkey two take a thief, and four a murderer), and each having a grasp of him, he was dragged through the streets of Pera, Galata, and over the thronged bridge of the Golden Horn, to the felon's prison at Stamboul; but was set at liberty, without any reason assigned for his seizure or release, after this public insult and outrage had been perpetrated.

I have thus ventured to put your Lordship, as President of our Society, in possession of a few of the facts connected with this gross violation of the Hattihumayoum of 1856.

I remain, &c.

(Signed) B. PHILPOT.

No. 35.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, September 23, 1864.

WITH reference to your despatch of the 29th of August last, I have to state to you that Her Majesty's Government are glad to learn that the sale of the Bibles by the most easy and efficacious means will not be interfered with by the Turkish police.

I do not understand that the Bible Society claim a right, as such, to distribute the Bible in the Turkish dominions. But they have an impression that their Government has a right to ask for the free circulation of the Scriptures. They

remark that English lives and English treasure were freely sacrificed in behalf of the independence and integrity of the Ottoman Empire, and that as Great Britain never asked for the cession of a province, or any privilege in return for her efforts, she might expect, and thought she had obtained, through her Minister and her Ambassador, the advantage of complete religious liberty in favour of every form of Christianity.

Her Majesty's Government trust that the Bible Society have not been mistaken in this respect, and that the freedom of religion once granted will not be withdrawn.

I am, &c.
(Signed) RUSSELL.

No. 36.

Sir H. Bulwer to Earl Russell.—(Received September 27.)

My Lord, *Paris, September 24, 1864.*

I SAW in a Memorial presented to your Lordship by Lord Shaftesbury a statement that I had taken no notice of a case presented to me in 1862 by Mr. Thompson, relative to some agent of the Bible Society who had been ill-treated at Schumla.

As I was already embarked when this fact came to my knowledge, I could not refer to the archives, though I was certain the statement must be incorrect, and that I had never left any representation made to me unnoticed. I requested, therefore, a search to be made; and Mr. A. Pisani has just informed me that the correspondence in the Embassy shows that I had not only addressed myself to the Porte immediately respecting the case alluded to, but that it had been the subject of a telegraphic correspondence between the Porte and the Governor of the Province in which Schumla is situated.

I will not now go at length into this affair (which concerned the hostility exhibited by the Greek Bishop and population of a particular place to the circulation of certain books, not Bibles, brought there by an Armenian) further than to say that I did at the time and without delay all that was required, and I am consequently sure that the Memorialists will regret the promulgation of an unjust charge; and I am the more surprised at hearing that such a charge proceeded from Mr. Thompson, with whom I have always been on the best terms, and who has more than once thanked me for the services I have rendered him.

I have, &c.
(Signed) HENRY L. BULWER.

No. 37.

Mr. Hammond to the President and Secretaries to the Church Missionary Society.

Gentlemen, *Foreign Office, September 29, 1864.*

I AM directed by Earl Russell to acknowledge the receipt of your letter dated September , containing further observations respecting the proceedings of the Turkish authorities towards the missionaries and Christian converts at Constantinople, and I am to acquaint you that the statements contained therein will be duly considered.

I am, &c.
(Signed) E. HAMMOND.

No. 38.

Earl Russell to Mr. Stuart.

Sir, *Foreign Office, September 30, 1864.*

I INCLOSE a copy of a correspondence which I have carried on with the Church Missionary Society.*

* Nos. 26 and 34.

It appears to Her Majesty's Government, from the reply which I have received to my letter of September 3, and from the letter of Archdeacon Philpot, that the Society have received grievous wrong; that the closing of the rooms they had hired, and the arrest of Mr. Williams (a Turkish convert, I believe), were acts inconsistent with the religious toleration which Lord Stratford laboured so earnestly to obtain, and which is formally established by the Hatti-Humayoum.

You are directed to state to Aali Pasha that the rooms hired by the Church Missionary Society do not appear to have been public rooms, and that it is not proved that there was any excitement dangerous to the public peace at the time when the rooms were suddenly closed, and when a Protestant clergyman was violently arrested.

You will state to Aali Pasha, and also, if possible, to the Grand Vizier, that Her Majesty's Government expect that the religious liberty granted by the Turkish Edicts to the Greek Church and to the Roman Catholic Church should be equally enjoyed by the Protestant Church, and you will confer with the English and American missionaries with a view to obtain security and quiet for Christian ministers and Christian converts.

You will, at the same time, declare that the British Government do not wish in any way to defend insults offered to the Mahometan religion, or acts tending to the disturbance of the public peace.

You will give a copy of this despatch and its inclosures to Aali Pasha, and request from him a reply.

I am, &c.
(Signed) **RUSSELL**

No. 39.

Mr. Jones to Mr. Hammond.—(Received October 3.)

*Turkish Missions Aid Society, 7, Adam Street, Strand,
London, September 30, 1864.*

Sir, WILL you be so good as to convey to Earl Russell the thanks of the Committee of this Society for the copy of the despatch from Sir H. Bulwer on the subject of their late Memorial?

Will you also be so good as to inform his Lordship that the Committee have forwarded to the gentlemen at Constantinople, on whose information their Memorial was based, a copy of the despatch, and that, on receipt of their statements in reply to the same, the Committee will again take the liberty of addressing his Lordship?

I am, &c.
(Signed) **HENRY JONES, Secretary.**

No. 40.

Mr. Stuart to Earl Russell.—(Received October 4.)

(Extract.) *Therapia, September 14, 1864.*

SIR HENRY BULWER desired me to send to you the inclosed copy of Aali Pasha's note, relative to the English Bible shops having been reopened at his request, and not at that of the American Legation.

Inclosure in No. 40.

Aali Pasha to Sir H. Bulwer.

M. l'Ambassadeur, *Sublime Porte, le 4 Août, 1864.*

M. PISANI vient de m'apprendre que M. Sellar a prétendu que les boutiques Anglaises où se vend la Bible ont été ouvertes sur la demande de la Légation des Etats Unis.

Tel n'est pas le cas. En donnant l'ordre d'ouvrir les boutiques Américaines, j'ai également donné l'ordre, d'après la demande de votre Excellence, d'ouvrir les

boutiques Anglaises et de remettre l'établissement où toutes les boutiques étaient situées à qui de droit. Cela m'a paru équitable.

Si M. Sellar croit que j'ai fait remettre aux Américains les boutiques occupées par lui sur la bâtisse où ses boutiques sont situées, il a tort. J'avais espéré que ma dernière note à votre Excellence avait tout éclairci ; et je persiste à croire que votre Excellence est complètement édifié à cet égard, et qu'elle trouvera les suppositions de M. Sellar dénuées de tout fondement.

Veuillez, &c.
(Signed) AALI.

(Translation.)

M. l'Ambassadeur, *Sublime Porte, August 4, 1864.*

MR. PISANI has just informed me that Mr. Sellar has maintained that the English shops where the Bible is sold were opened upon the demand of the United States' Legation.

Such is not the case. In giving the order to open the American shops, I in like manner gave the order upon the demand of your Excellency to open the English shops, and to consign the establishment where all the shops were situated to the lawful person.

That appeared to me just. If Mr. Sellar believes that I handed over to the Americans the shops occupied by him in the building where those shops are situated, he is mistaken.

I had hoped that my last note to your Excellency had made all clear ; and I continue to believe that your Excellency is perfectly informed in that respect, and that you will find the suppositions of Mr. Sellar void of all foundation.

Accept, &c.
(Signed) AALI.

No 41.

Mr. Stuart to Earl Russell.—(Received October 14.)

My Lord, *Therapia, October 4, 1864.*

I HAVE been assured by Aali Pasha that all the Turkish converts to Christianity, without exception, have now been set at liberty, and that the two who were to be sent respectively to Aidin and Magnesia, having expressed a wish to remain at Smyrna, have been permitted to reside there without being subjected to any restraint whatever.

I have, &c.
(Signed) W. STUART.

No. 42.

Mr. Layard to Lord Chichester.

My Lord, *Foreign Office, October 18, 1864.*

I AM directed by Earl Russell to acquaint you, for the information of the Church Missionary Society, that it appears by a despatch received from Her Majesty's Chargé d'Affaires at Constantinople, that all the Turkish converts to Christianity have now been set at liberty, and that two who were to be sent respectively to Aidin and Magnesia, having expressed a wish to remain at Smyrna, have been permitted to reside there without being subjected to any restraint whatever.

I am, &c.
(Signed) A. H. LAYARD.

No. 43.

The Rev. C. Jackson to Earl Russell.—(Received October 19.)

My Lord, *British and Foreign Bible Society, London, 10, Earl Street, Blackfriars, October 18, 1864.*

IN consequence of the absence of the Earl of Shaftesbury on the Continent, the Committee of this Society has only lately received the copy of the despatch which you were kind enough to address in August last to Her Majesty's Ambassador at Constantinople on the subject of the interference of the police with the work of the British and Foreign Bible Society in that place.

The Committee are deeply indebted to your Lordship for the comprehensive view which you have taken of the subject, and for the forcible manner in which you have urged the claims of religious liberty in connection with the free circulation of the Word of God. As the Memorial which the Committee addressed to your Lordship was printed in the monthly periodical circulated by this Society, it would be more satisfactory to its many friends if publicity could be given to your Lordship's despatch through the same medium. The Committee have, however, refrained from adopting such a course until they have ascertained whether it would receive the sanction and approval of your Lordship.

I have, &c.

(Signed) CHARLES JACKSON, *Secretary*

No. 44.

Mr. Schmettau to Earl Russell.—(Received October 20.)

My Lord, *Evangelical Alliance, 7, Adam Street, Strand, London, October 17, 1864.*

I AM directed by the Committee of Council of the Evangelical Alliance to send to your Lordship the inclosed copy of a Memorial,* and to request you kindly to appoint a time when it will be convenient to your Lordship to receive a deputation nominated by our Committee to present the Memorial.

I should be greatly obliged to your Lordship for an early reply, in order to allow sufficient time to communicate with the members of the deputation, many of whom live in distant counties.

I am, &c.

(Signed) HERMANN SCHMETTAU,
Foreign Secretary.

No. 45.

Mr. Stuart to Earl Russell.—(Received October 21.)

My Lord, *Therapia, October 11, 1864.*

I SPOKE the other day to Aali Pasha in the sense of your Lordship's despatch of the 23rd ultimo, respecting the sale of the Bible in Turkey, by the most easy and efficacious means, without the interference of the Turkish police.

His Highness answered that the sale of the Bible might take place freely in all shops and book-stalls, and indeed in any other way except by hawking in public streets or steam-boats; that the same facilities are accorded for the sale of the Bible as for that of the Koran, and that no Turkish Government could possibly concede more.

I have, &c.

(Signed) W. STUART.

* See No. 49.

No. 46.

Mr. Stuart to Earl Russell.—(Received October 21.)

My Lord,

Therapia, October 12, 1864.

ALTHOUGH Aali Pasha sent the other day to inform me, as reported to your Lordship in my despatch of the 4th instant, that all the Turkish converts to Christianity had been set at liberty, I had reason to infer from a letter addressed to me by Mr. Washburn, one of the American missionaries, that the convert Ahmed, of Cæsarea, might still be in prison at Constantinople. I therefore instructed Mr. Etienne Pisani to inquire into the matter, and he has now reported to me that it was proposed to Ahmed to return to his native place, but that he declined to go there, and requested to be permitted to go to Adrianople. The necessary permission having been granted, I am assured that he will start by the next steamer for Rodosto, on his way to Adrianople, and that the expenses of his journey will be defrayed by the Porte, which will, moreover, instruct the Pasha to provide him with the means of subsistence on his arrival.

I have, &c.

(Signed) W. STUART.

No. 47.

Mr. Layard to the Rev. C. Jackson.

Sir,

Foreign Office, October 21, 1864.

IN reply to your letter of the 18th instant, I am directed by Earl Russell to acquaint you, for the information of the Committee of the British and Foreign Bible Society, that his Lordship has no objection to his despatch to Her Majesty's Ambassador at Constantinople, upon the subject of the distribution of the Bible in Constantinople, being published in the monthly periodical circulated by the Society.

I am, &c.

(Signed) A. H. LAYARD.

No. 48.

Mr. Murray to Mr. Schmettau.

Sir,

Foreign Office, October 21, 1864.

IN reply to your letter of the 17th instant, I am directed by Earl Russell to acquaint you that his Lordship will be happy to receive a deputation of the Evangelical Alliance at this office on Wednesday next, the 26th instant, at 3 o'clock.

I am, &c.

(Signed) JAMES MURRAY.

No. 49.

Memorial.

To the Right Honourable the Earl Russell, Her Majesty's Secretary of State for Foreign Affairs.

The Memorial of the Right Honourable the President and the Committee of the British Organization of the Evangelical Alliance.

YOUR memorialists desire, with great respect and equal earnestness, to fix your Lordship's attention upon certain recent proceedings of the Turkish Government at Constantinople, which constitute a serious violation of religious liberty, and are in direct contradiction both of the spirit and the letter of the famous Hatt-i-Humayoum published by the Sultan in the year 1856.

These proceedings, your memorialists are aware, have already been brought under your Lordship's notice, as well by Her Majesty's Ambassador to the Sublime

Porte as by different religious and missionary bodies in London. They are, consequently, so well known to your Lordship as to render it unnecessary for your memorialists to detail them at any length.

They may be briefly described as consisting in the shutting up of rooms hired by missionaries and by agents of the Bible Society, in which they peaceably conducted their Christian labours, in the seizure and carrying away of Christian books, and in the imprisonment of converts to Christianity from the Mahometan faith, and their threatened banishment from their native lands.

These arbitrary and unjust acts, your memorialists submit, are not only inconsistent with the principles of toleration professed by the Turkish Government, but an express infringement of that clause of the Hatti-Humayoum in which His Majesty the Sultan employs these distinct and emphatic words:—

“As all religions are freely professed in my dominions, none of my subjects shall be hindered in the exercise of the religion he professes, nor shall he be molested in the exercise of it.”

This concession to religious liberty, as is well known, was made by the Sultan at the urgent and conjoint importunity of nations professing Christianity; and is more especially due to the enlightened and long-continued efforts, and to the deservedly great influence, of Her Majesty's late Ambassador at Constantinople, Lord Stratford de Redcliffe.

Your memorialists, therefore, would respectfully represent to your Lordship how incumbent it is on the British Government, to whom Turkey owes so much, to look to the fulfilment of the pledges she has given, and still to maintain by British diplomacy that freedom from persecution for Turkish subjects becoming Christians, and that liberty for missionaries to propagate the Christian faith, which it is the distinguished honour of British diplomacy to have achieved.

Your memorialists are not ignorant that the recent intolerance is attempted to be justified by the Turkish Government on the plea that the missionaries and some of their converts have acted with great indiscretion in promoting the spread of the Christian religion, and have preached in places and amongst persons where they were likely to excite public disturbance; and it is even alleged that the converts were imprisoned for their own protection against the violence of the populace which they either had excited or were in danger of exciting.

Your memorialists are perfectly assured that this allegation has no satisfactory foundation in the facts of the case, and that the apprehended popular disturbance was little else than a gratuitous and exaggerated surmise. Besides that, it will be apparent to every one that it is as dangerous to admit such a plea as it is always easy to frame it.

It is particularly objected by the Ottoman Government that missionary operations have been carried on in the khans, or, as they are sometimes called, the inns of the city, places to which mixed multitudes resort, so that the public peace is endangered, and in which, in former times, it is said nothing of the kind was attempted.

But your memorialists are able to state, on the contrary, that for more than a quarter of a century the missionaries have been accustomed to rent rooms in the khans, as convenient places for meeting those persons who wished to come to them for religious inquiry. And as some misapprehension exists on the nature of the places thus designated, they submit the following remarks. These khans in Constantinople, while they are sometimes described, as if for the purpose of a clearer definition, by the explanatory word “inns,” are inns not in the sense of a European hotel, but rather in the sense in which Serjeant's Inn or the other Inns of Court in London are so denominated. They are large buildings, having an open court in the centre, and are divided into a great number of rooms, for the most part small, which are rented and occupied by individuals or companies, and are used by them for storing merchandize, for workshops, or to dwell in, or in short for any purpose, at the occupier's pleasure. The khan is a public place, but these rooms are no more public than are the chambers of a barrister in Lincoln's Inn. No person enters them but at the invitation of the occupier or with his consent. By no fair use of language could any canvassing of the claims of Mahometanism, or any exhibition of the superior evidence of Christianity into which a missionary might be drawn in answering the inquiries of those who resort to him in these rooms, be represented as a public attack upon the religion of the country, for the rooms are private. Into a church any one may enter, for it is open to all, but the doors of a room in the khan are closed and the public are not admitted, but only individual persons whom

the missionary pleases to receive. In these private rooms, moreover, religious meetings have been accustomed to be held for years; expositions of the Sacred Scriptures have been given in them; and the doctrines of the Bible discussed with Greeks, Armenians, and Turks, and without disturbance given or received. Missionaries, it may be added, have never attempted to preach in the open court of the khan any more than in the streets of the city. To prohibit them, therefore, from thus resorting to and using the khans in the way explained, the only way in which they have used them, is not only an act of intolerance, but an uncalled-for abridgement of the liberty which has long been enjoyed, and never hitherto abused.

Your Memorialists are constrained, in conclusion, to observe that these proceedings of the Ottoman Government upon which they have animadverted are conceived in the spirit of that ancient exclusiveness which characterised the policy of Turkey in former days, but which they hoped had become obsolete under the guidance of Christian statesmen. They are a practical repeal of some of the most precious provisions of the Hatti-Humayoum, and the first steps, at least, of a retrograde movement which, if it be not stopped, will conduct the rulers of that country back again to the time when a Mussulman could embrace Christianity only at the peril of his life.

The limits of religious liberty, as now defined by the Turkish rulers, are narrowed down to a practical negation of it almost altogether. "The Ottoman Government," it is said, in Sir Henry Bulwer's letter to the Secretary of the Committee of the Evangelical Alliance at Constantinople, dated August 1, "is willing to allow Protestants and all Christians to exercise their own religion in the Ottoman dominions in churches, or quietly at home; but it will not allow any attempts, public or private, to assail the Mussulman religion. It will allow Mussulmans to become Christians; but it will not allow them, any more than it will other Christians, to go about speaking publicly against Mahometanism."

Your Memorialists feel certain that they need enter into no argument to satisfy your Lordship that the enforcement of these views will inevitably put a stop to all missionary efforts, and prove utterly subversive of all religious liberty in Turkey. Nor can they refrain from expressing their surprise and deep sorrow that such views should be sanctioned in express terms, and be sustained by the influence of a British Ambassador, the immediate successor of that eminent statesman to whom Turkey is indebted for the Hatti-Humayoum of 1856, which has been justly extolled as the charter of her liberties, and as one of the noblest monuments of modern European legislation.

These are not the views, as they are persuaded, which the British nation supposes are to obtain in a country for the defence and preservation of which it has expended so much blood and treasure, and they appeal against them with the greater confidence to your Lordship, since you have spent a long and honourable life in promoting civil and religious liberty, and will not now, as they are firmly convinced, permit this liberty to be violated in any country in which British influence can protect it.

On behalf of the Committee,

(Signed) CALTHORPE, *President.*

T. R. BIRKS, M.A.,

DAVID KING, LL.D.,

W. M. BUNTING, M.A.

EDWARD STEANE, D.D.,

JAMES DAVIS, *Official Secretary.*

HERMANN SCHMETTAU, PH.D., *Foreign Secretary.*

} *Honorary Secretaries.*

No. 50.

Earl Russell to Lord Calthorpe.

Foreign Office, October 27, 1864.

EARL RUSSELL presents his compliments to Lord Calthorpe and begs to inform him that it appears by a despatch received from Her Majesty's Chargé d'Affaires at Constantinople that all the Turkish converts to Christianity without exception have now been set at liberty, and that the two who were to be sent respectively to Aidin and Magnesia having expressed a wish to remain at Smyrna have been permitted to reside there without being subjected to any restraint whatever.

No. 51.

*Earl Russell to Mr. Stuart.*Sir, *Foreign Office, October 27, 1864.*

WITH reference to your despatch of the 11th instant, respecting the sale of the Bible in Turkey, I have to state to you that the Sultan may permit or prohibit the sale of the Koran as he pleases, but it is obvious that if the sale of the Bible is restricted to shops in great towns, it will be easy to intimidate persons going into these shops.

A member of a deputation whom I saw yesterday affirmed that now when the Bible is offered for sale at Constantinople, the person to whom it is offered is apt to point to the prison, and say he shall take care to avoid going there.

It was also affirmed that of nine Turks who had been imprisoned as Christian converts, six had recanted, and upon their return to Mahometanism were at once released, but that the other three had been banished.

It is desirable to ascertain the truth with regard to these statements.

You will, of course, understand that if the Turkish Government choose to retract the concessions made to Lord Stratford de Redcliffe, and to punish by banishment or otherwise Turks who become Protestants, Her Majesty's Government do not claim any right to interfere.

But in that case the feeling in this country will not be so friendly to Turkey as it has hitherto been. Her Majesty's Government would greatly regret this result both on account of the general question of religious liberty, and on account of the interests of the Ottoman Empire.

I am, &c.

(Signed) RUSSELL.

No. 52.

*Colonel Dawes to Mr. Layard.—(Received October 28.)*Sir, *Church Missionary House, October 27, 1864.*

I AM directed by the Committee of the Church Missionary Society to acknowledge the receipt of your letter of the 18th instant, to the address of the Earl of Chichester; and to request that you will convey to Earl Russell their thanks for the gratifying intelligence which it contains, viz., "that all the Turkish converts to Christianity have now been set at liberty; and that two, who were to be sent respectively to Aidin and Magnesia, having expressed a wish to remain at Smyrna, have been permitted to reside there without being subjected to any restraint whatever."

At the same time the Committee must frankly state that this information had not been communicated to the missionaries at Constantinople and Smyrna when they wrote by the last mail. The two converts at Smyrna were prevented from returning to their families in Constantinople, and were to report themselves to the police monthly. They were destitute of all means of support, except through the charity of the missionaries. When full information arrives from the missionaries the Committee will take the liberty of communicating the same to Earl Russell.

I have, &c.

(Signed) M. DAWES,

Secretary to the Church Missionary Society.

No. 53.

*Mr. Schmettau to Earl Russell.—(Received October 31.)**Evangelical Alliance, 7, Adam Street, Strand, London,*My Lord, *October 29, 1864.*

PARDON the liberty I take in directing your attention to a letter from Constantinople which appears in the "Evangelical Christendom" for November, page 551, and which contains a full and impartial account of the present state of the question. Holding strong views of his own, the writer is most anxious to do justice to the arguments and motives of those who differ from him.

Sir Henry Bulwer may not agree with the writer's conclusions; but he must admit that no greater allowance could be made for the difficulties of his position by the most strenuous defender of his conduct.

I take the liberty of sending the "Evangelical Christendom" by book-post.

I remain, &c.

(Signed) HERMANN SCHMETTAU.

No. 54.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, October 31, 1864.

I AM naturally very anxious to ascertain all the facts relating to the late imprisonment of Christian Turks at Constantinople, and the endeavour said to be made to suppress the reading of the Bible.

A gentleman belonging to the Evangelical Alliance, Mr. Herman Schmettau, has sent me a copy of the publication called "Evangelical Christendom," in which is a letter from Constantinople (page 551), which Mr. Schmettau affirms "contains a full and impartial account of the present state of the question."

I inclose a copy of the publication, and I shall be glad to have a report from you upon this letter.

I am, &c.

(Signed) RUSSELL.

No. 55.

Sir H. Bulwer to Earl Russell.—(Received November 3.)

My Lord,

Paris, November 1, 1864.

I INFORMED your Lordship that before leaving Constantinople I had seen Aali Pasha and the Minister of Police, and ascertained from them that nothing would be done to prevent the "colportage" of the Bible; nothing that I am aware of has been done; and I received a letter of the 5th ultimo from Aali Pasha, in which he says, referring to this question, "quant à la Bible, vous devez vous rappeler de l'arrangement officieux que j'ai pris avec le Ministre de la Police."

I think, therefore, I have a right to say, and it is but justice to ask your Lordship to make known, that I settled this question before quitting my post. It is one of the many answers that I have to give to the accusations which, from an imperfect knowledge of the facts, and a somewhat passionate and partial view of them, have been brought against me erroneously and unjustly.

It is quite time that the whole of the missionary question should be investigated and brought to a clear issue, and in a day or two I shall answer in full the letter from Constantinople contained in the November number of the "Evangelical Christendom" which your Lordship has sent to me.

I have, &c.

(Signed) HENRY L. BULWER.

No. 56.

Mr. Stuart to Earl Russell.—(Received November 4.)

My Lord,

Therapia, October 25, 1864.

UPON receiving your Lordship's despatch of the 30th ultimo, inclosing a copy of a correspondence which you had carried on with the Church Missionary Society, I thought it desirable, in order to prevent future misunderstanding, to address a letter to the Rev. C. G. Curtis, the Secretary of that Society at Constantinople, informing him of the nature of my instructions, and begging him to suggest to me, in the form of a memorandum, after consultation with his English and American colleagues, such measures as they might consider best calculated to obtain security and quiet for Christian ministers and converts, without creating disturbance amongst the fanatical Mussulman population. I at the same time

requested Mr. Curtis to let me know the exact points in respect to which the Greek and Roman Catholic Churches enjoy greater religious liberty than that granted to the Protestant Church.

A copy of my letter to Mr. Curtis is herewith inclosed, as well as a copy of his reply, in which he announces his wish to confer with the Bishop of Gibraltar before giving a definitive answer upon a matter of such grave importance.

I shortly afterwards waited upon Aali Pasha, and after reading to him your Lordship's despatch I handed to him a copy of it, together with a note, of which a copy is likewise inclosed, calling his serious attention to the matter, and asking for a written reply.

As this reply may be expected shortly, I need not repeat all the explanations which his Highness gave me at considerable length, respecting the aggressive attitude alleged to have been assumed by the missionaries and the dangerous excitement which might have resulted therefrom. He asserted that there had been no lack of religious tolerance on the part of the Ottoman Government; that in no other European country, except perhaps in England, did religious liberty exist to the same extent; but that attacks upon the Mahometan faith could not be permitted; that in all other respects the Protestant missionaries enjoyed perfect freedom, and that the arrest of the Rev. Mr. Williams was to be attributed exclusively to the accusation of some malevolent person who had given him in charge for debt, and had disappeared when the authorities began to investigate the charge. Mr. Williams had been at once released, when it was discovered that there was no accuser present and no charge against him.

Aali Pasha approved of my having placed myself in communication with Mr. Curtis in the manner described, declaring that although he was not aware that the Greek and Roman Catholic Churches enjoyed a greater amount of liberty than the Protestant Church, if any difference could be pointed out to him it would be at once removed, and that any reasonable measures which could be suggested for obtaining security and quiet for Christian ministers and converts would receive his favourable attention. He added, that he should prefer to wait for Mr. Curtis' Memorandum before replying to your Lordship's despatch; but when he learned that Mr. Curtis intended to refer the matter to the Bishop of Gibraltar, he promised not to delay his answer.

As his Highness in the course of conversation expressed in very becoming terms the deep gratitude which his country owed to England, and the natural desire of the Ottoman Government to show their appreciation of the many proofs which England had given them of her support under trying circumstances, I remarked that England asked for nothing in return but the right to sell freely the Holy Bible in Turkey, and that, nevertheless, her missionaries were restricted in this liberty. His Highness answered, that since my previous interview with him, he had been in communication with the Minister of Police, and that it had been decided, although he could not inform me of the decision officially, that the sale of the Bible should not be interfered with, so long as it could be conducted without danger to the public peace.

I have, &c.
(Signed) W. STUART.

Inclosure 1 in No. 56.

Mr. Stuart to the Rev. C. Curtis.

Sir,

Therapia, October 17, 1864.

HAVING been instructed by Earl Russell to represent to the Porte that Her Majesty's Government expect that the religious liberty granted by the Turkish Edicts to the Greek Church and to the Roman Catholic Church should be equally enjoyed by the Protestant Church, I should feel obliged to you if you would have the kindness to let me know the exact points in respect to which the religious liberty enjoyed by the two former Churches is greater than that granted to the Protestant Church.

As I am further instructed to confer with you with a view to obtain security and quiet for Christian ministers and Christian converts, perhaps you would kindly draw up a Memorandum, after consultation with your English and American colleagues, suggesting such measures as you may consider best calculated to secure

the object in view, without creating disturbance amongst the fanatical Mussulman population.

I am, &c.
(Signed) W. STUART.

Inclosure 2 in No. 56.

The Rev. C. Curtis to Mr. Stuart.

Sir,

Pera, October 17, 1864.

I BEG to return my best thanks for the favour of your letter of this day, and to assure you that I will lose no time in following your instructions. Permit me to apologize at once for any apparent delay which may ensue as my Diocesan the Bishop of Gibraltar is not yet returned to Malta, and I feel that I ought to consult his Lordship as well as my colleagues on a matter of such grave importance.

I have, &c.
(Signed) C. G. CURTIS.

Inclosure 3 in No. 56.

Mr. Stuart to Aali Pasha.

Therapia, October 16, 1864.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires to the Sublime Ottoman Porte, has the honour to recommend to the serious attention of his Highness Aali Pasha, the accompanying copies of a despatch and its inclosures which he has received from Her Majesty's Principal Secretary of State for Foreign Affairs, relative to the recent proceedings of the Ottoman authorities against certain members of the Church Missionary Society, and against Turkish converts to Christianity in Constantinople. Trusting that he may be furnished with an early and favourable reply to the present communication, the Undersigned avails, &c.

(Signed) W. STUART.

No. 57.

Colonel Dawes to Mr. Layard.—(Received November 5.)

Sir,

Church Missionary House, November 4, 1864.

REFERRING to my letter to you of the 27th ultimo, in which I stated that the information received by the Society respecting the Christian converts was at variance with the statements of the Chargé d'Affaires at Constantinople which Earl Russell did us the favour to transmit to us under date the 18th ultimo, viz., "that all the Turkish converts to Christianity have now been set at liberty, and that two who were to be sent respectively to Aidin and Magnesia, having expressed a wish to remain at Smyrna, have been permitted to reside there without being subjected to any restraint whatever," I am now directed to state that the Committee have since received the following particulars respecting the treatment of these converts:—

The Rev. Dr. Pfander has written, October 10th: "Akhmed Agha is still in prison; liberty was offered to him last week, and even employment under Government, with the hint of his returning to his old faith, but as he did not take the hint, and declared that he was determined to abide by his Christian profession, he was sent back again to his prison. This is a new proof that he is not confined for his own safety or protection, but as a punishment for his Christianity."

The Rev. Dr. Pfander has written again, October 26th: "Akhmed Agha, the last Turkish prisoner, has been sent, or rather exiled, last Friday week to Rodosto, a small town on the Sea of Marmora, where there is a small body of Protestant Armenians. He was left to choose to go for two months either to Smyrna, Adrianople, or Rodosto, or to remain two months longer in prison."

The Committee of the Church Missionary Society most respectfully submit these facts to the notice of Earl Russell.

I have, &c.
(Signed) M. DAWES,
Secretary to the Church Missionary Society.

No. 58.

*The Rev. H. Jones to Mr. Hammond.—(Received November 7.)**Turkish Missions Aid Society, 7, Adam Street, Strand,
London, November 5, 1864.*

Sir,

THE Committee of this Society having received the inclosed from Constantinople, and deeming it right that Earl Russell (to whom they were greatly obliged for the copy of Sir Bulwer's despatch in reply to their Memorial) should be made acquainted with its contents, they have instructed me to forward it to your Lordship.

May I therefore beg the favour of your submitting the inclosed to Earl Russell as soon as may be convenient?

The Committee regret that they have not been able to send the letter sooner, owing to their meeting only once a month.

I have, &c.
(Signed) HENRY JONES, *Secretary*

Inclosure in No. 58.

Mr. Washburn to the Rev. H. Jones.

My dear Sir,

Constantinople, October 13, 1864.

I RECEIVED by the last post from England your note of the 29th ultimo, inclosing a copy of the reply of Sir Henry Bulwer to the Memorial which you presented to Earl Russell.

In accordance with your request, I will proceed to state the grounds upon which I made the statements which led to the presentation of your Memorial.

You will notice, however, that much of the reply of Sir Henry relates to the action of the English missionaries, and I shall pass over such portions of his reply without remark.

I will notice only three points :—

1st. Sir Henry's denial of any foreknowledge of what transpired on the 17th and 18th July.

2nd. His statement in reference to the Bible House.

3rd. His general statements as to the bearing of these events upon religious liberty in Turkey.

First. In denying any foreknowledge of what then took place, his Excellency evidently misapprehends the statement which I made. It was never supposed that all the "clumsy" movements of the Turkish Government had been arranged with him before this affair; but I stated that he knew that some steps were about to be taken, that he gave no warning to the missionaries, and, so far as could be learned, took no measures to prevent them.

The evidence which led me to make this statement I will give you in brief.

On the 18th of July the Rev. Mr. Curtis received from Sir Henry the following letter, which he immediately communicated to the missionaries. A week later Sir Henry withdrew this letter; but as it had already been made public, and is essential to the justification of my statement, I do not feel bound to suppress it :—

"My dear Mr. Curtis,

July 18.

"I think I ought to inform you that I received notice three or four days ago, confidentially, from the Minister of Police that a strong feeling was beginning to be excited among the Mussulman population by the preaching of converts against the faith of Mahomet; that it was not a matter which touched the Government, which would not object to such discussions, but that it was impossible to answer for what might happen if a burst of religious indignation took place among the Mussulman masses of the capital. . . .

"I beg you, consequently, to give the necessary warning to Mr. Williams and others. We must not forget that the toleration allowed here is far greater than that granted in most Christian countries, and that the Government, being willing to go with us in this direction as far as the national spirit will allow, we should be acting both impolitically and ungratefully if we urged it to do more than it can do with safety.

(Signed) "H. L. BULWER."

It will be noticed that this letter was written the day after the arrest of Mr. Williams and others, and after Sir Henry had been informed of the fact.

The same day on which the above note was written, in the afternoon, one of the highest officers of Her Majesty's Embassy stated, in reference to what transpired on the 17th-18th, that "Sir Henry had known all about it for a week." This statement was afterwards fully corroborated by another member of the Embassy.

Both these statements were made before Sir Henry withdrew his letter of the 18th July; and had not that letter been withdrawn, the names of these gentlemen would have been mentioned here.

On Friday, the 29th July, a high officer of the Turkish Government, intimately associated with the Grand Vizier, stated to Dr. Serapyan, a friend of mine, that before taking these steps the Government had fully consulted Sir Henry Bulwer, and had taken these steps in accordance with his advice.

These mutually corroborative statements considered, in view of the antecedent probability that the Turkish Government would not take such important steps without consultation with the British Ambassador, especially as they were not taken hastily, but only after they had surrounded the missionaries and converts with spies for three or four weeks, and also in view of the fact that Sir Henry afterwards fully justified all their proceedings, except, as he says, that they did one thing "in a clumsy way," led me to state that these things were done with the previous advice or consent of the British Ambassador.

If Sir Henry now denies this statement, I have no desire to press it, as it matters little, in reference to the great question at issue, whether the action of the Turkish Government was approved of before or after these events took place.

Secondly, I stated to you that the building occupied by the British and Foreign Bible Society, in common with the American Mission and Bible Society, was opened on the representation of the American Chargé d'Affaires. I made this statement, supposing it to be true in view of the following facts.

In denying this statement, Sir Henry seems to be under a misapprehension of the character of the building referred to.

And when Aali Pasha certifies that "as he opened the rooms of the Americans at the request of the American Embassy, so the rooms of the British and Foreign Bible Society were opened at the request of the British Ambassador," he seems to be unaware that the building is one, that there is but one entrance, and that the opening of the American rooms was necessarily the opening of the English rooms.

Of course the American Chargé d'Affaires said nothing to Aali Pasha about the British Bible Society; he spoke to him only of the American rooms, and both Sir Henry and Aali Pasha are evidently unaware that, when these were opened at the request of Mr. Brown, the whole building was opened. The building was closed at noon of the 18th. The American Chargé d'Affaires appealed to Aali Pasha the same day in an energetic note, which he followed up with a personal visit on the morning of the 19th July. Aali Pasha at this interview apologised to Mr. Brown for the irregular action of the police, and ordered the immediate opening of the building. The examination of the books was suggested by Mr. Brown—made at his request, and in his presence. He distinctly denies having had any communication with Mr. Pisani on the subject, although, on leaving Aali Pasha's room, he met Mr. Pisani in the anteroom.

On the morning of July 20th, Mr. Sellar, agent British and Foreign Bible Society, Mr. Bliss, and myself occupied the building. Nothing was heard from the British Embassy until July 22nd, when Mr. Sellar received the following note:—

"Sir,

"Constantinople, July 20, 1864.

"I have received your letter of yesterday's date, inclosing a memorial, and I am in communication with the Turkish Government on the subject to which it relates. The case you submit to me will be fully attended to.

"Yours, &c.

(Signed) "H; L. BULWER."

It seems plain from this note, that at this date Sir Henry did not even know that the building was already open. The note not being sent until July 22nd, it would seem that it was not then known, although I learn as I am now writing that some communication took place on the subject between the British Embassy and the Porte as early as the 19th.

As Sir Henry in his reply appeals to "half Constantinople," I may be allowed to refer to the following extracts from the "Levant Herald" which is understood to be the organ of the English Embassy, and is, at least, not in sympathy with anything American. They at least prove that I was not alone in believing what I stated to you.

In the issue of the 20th July is the following editorial:—

"The incident has created considerable excitement in the local foreign Protestant community; and on the part of the Americans, has elicited the prompt and energetic action of the United States' Legation. The Bible Society, Church Missionary Society, and Propagation Society's Agents have also addressed warm protests to Her Majesty's Embassy, but up to last evening we were unable to learn with what result."

In the issue of July 27th, is the following from the second column of local news items:—

"In consequence of the prompt and energetic protests of Mr. Brown, American Chargé d'Affaires, Vizir Khan, which is occupied by the American missionaries, was re-opened on Thursday last.

"As the office and store-room of the British and Foreign Bible Society was in the same building, the removal of the seals from the American premises restored these too to the agent of the London Society."

This question, however, like the first, is of comparatively minor importance at the present time, and Sir Henry is in a position to make authoritative statements which will satisfy the Foreign Office on the subject.

I have made the above statements, not with the design of re-opening these two questions, but in self-defence, to give the grounds of my statements which Sir Henry appears to call in question.

I have recurred to them with regret, as they were at first mentioned only incidentally, and without any idea that they would ever be called in question.

Thirdly. The great question to which we wish to call the attention of the English Government and the English people, is the general one of religious liberty.

Every attempt has been made to turn attention from this question to others of minor importance; to defend the position of the Turkish Government by adducing what it has done in years past as evidence in favour of its tolerant spirit; to cover up the real intolerance of Turkey by referring to Christian countries which are still less tolerant; to represent the Porte as forced to its restrictive measures by the acts of English missionaries.

The real question which concerns us is a simple one: Is the Turkish Government maintaining the Hatti-humayoum or not? We assert that this compact, to which England was a party, has been practically abolished, with the assistance of the present British Ambassador.

In the Memorial of the Church Missionary Society to Earl Russell, there is so clear a statement of the promises of the Porte as to religious liberty, and the relation of England to these, that we need not repeat them here, but we trust that it may be carefully read in this connection.

But it will be easier to understand what was meant by these promises if I make a brief statement of their origin and result.

The original action of the Earl of Aberdeen and Sir Stratford Canning was taken in 1843-44, on the occasion of the execution of Ovaghim at Constantinople, and of a poor Greek at Bilijuk, for renouncing Islamism. The famous Hatti-humayoum issued after the Crimean war was also due to the efforts of Lord Stratford, who sought thus to make the original promise given in 1844 so permanent, distinct, and unmistakeable, that no Turk could ever again suffer persecution for the adoption of Christianity. Act 6 of the Hatti-humayoum states distinctly "that in the matter of changing religion no one shall be under any restraint," and also that no one shall be molested or in any manner troubled on account of his religion.

This charter gives religious liberty, not merely toleration.

In Greece, Protestantism is tolerated, but the constitution positively forbids conversion from the National Church to Protestantism.

The Hatti-humayoum expressly permits what the constitution of Greece expressly forbids. Sir Henry, in his reply, seems to overlook this distinction between simple toleration and the full religious liberty guaranteed to England by the Porte.

The Government has recognized this full liberty, in practice as well as theory.

The American missionaries have preached the gospel in every province of the Empire. They have gathered converts from every Church, Catholic, Greek,

and Armenian—from the latter in large numbers. They have published books explaining and enforcing evangelical truth in opposition to all other Churches. In all this they have demanded and received the protection of the Government. When their converts have been persecuted by their former co-religionists, the Turkish authorities have protected them. When they have failed in this, the English Embassy has always, until within a few years, been ready to compel the maintenance of absolute religious liberty.

And since the formal proclamation of full religious liberty to Turks, as well as Christians, the American missionaries have, as far as possible, sought to commend the gospel of Christ to the Mahomedans. They have not only preached Christ in their own houses and chapels, to such as chose to come and hear, but they have gone by invitation to visit and hold private conversations in their houses and places of resort and business. They have publicly baptized converted Turks in the Christian quarters of Constantinople, and have employed some of the more discreet of these to visit and converse quietly with other Turks on the subject of Christianity, where they found such conversation welcome. They have circulated the Scriptures, and comments upon portions of the Scriptures, in the Osmanli language and characters. They have been engaged in this work some eight years, with the consent and protection of the Government, which has in several instances, in connection with this work, distinctly recognized the binding force of the Hatti-humayoum.

In one instance, six years ago, an officer sent by Aali Pasha visited the house of an American missionary in Bebek, examined a Turk and his wife to see if any force had been used in their conversion to Christianity, declared himself perfectly satisfied, and assured them officially that they had as good a right to become Christians as a Christian had to become a Mussulman. They have adopted no new measures. Their converts have been well protected up to the present crisis, except in one or two instances, and in these cases the prompt interference of friendly Protestant Powers instantly afforded them relief.

The position of things during these years was as satisfactory as could be expected, and the American missionaries constantly upheld and defended the Turkish Government, not only among their own converts, but also in England and America, as may be seen by the Reports of the Turkish Missions Aid Society, the publications of the American Board of Missions and others.

The present position of this Government is altogether inconsistent with the Hatti-humayoum as hitherto understood. It is a substitution of simple toleration instead of full religious liberty.

Protestantism is recognized as one of the established religions of the Empire, but it is no longer allowed to win converts from other religious communities. Missionaries are to be tolerated, but only, as Sir Henry says, "as teachers and promoters of abstract Christianity, and the tide of civilization;" no longer as men sent to preach the Christianity of the Bible. Turks may become Protestants (with the expectation of imprisonment and exile for their own safety), but only on condition that they do so unasked, and afterwards abstain from professing their new views to their countrymen—conditions which are practically prohibitions.

The evidence of this change of principle is found in Sir Henry Bulwer's own letter, in the official statements of the "*Journal de Constantinople*," and in the late acts of the Turkish Government.

If my information is correct (and I have it from a good authority) Sir Henry himself stated that Fuad Pasha declared to him that he did not, and could not, consider himself bound by a strict interpretation of the Hatti-humayoum. He has practically proclaimed the same thing to the world.

The Protestant missionaries are attacked in official articles in language which is little better than Billingsgate. It is distinctly stated there, and in Sir Henry's letters, that they will no longer permit any "aggressive movements, or any attempt, public or private, to assail the Mussulman religion."

The missionaries are now beset with spies, and a man is employed by the Government to watch and report all Turks who are seen to enter the book stores. No Turk now dares to buy a Bible of a colporteur in Constantinople, and but for the decided action of Earl Russell there would no longer be a colporteur in the Turkish Empire.

Moreover we have reason to believe that hundreds have been imprisoned and exiled on the simple suspicion of favouring Protestantism. In reference to about sixty I can speak with certainty. But the work has been done so silently and

effectually that accurate information cannot be obtained as to the others. Among the many previously arrested were nine previously known to the missionaries, four of whom had been baptized. None of these have been set at liberty except on their formal declaration of being good Mussulmans. Every effort was made to bring back the other three. Ahmed of Cesarea testifying that during his three months' imprisonment he has been constantly beset by the officers of the prison and by his fellow-prisoners with the promise that if he would perform the regular Mohamedan prayers he would be immediately released. He says the same promise was made to others; they yielded and were released; and after three months of weary confinement, he was for the first time summoned before the Pasha, who made no charge against him, but promised him office and support if he would go back to Cesarea, a thing which necessarily implied the renunciation of his new faith, as he had previously been forced to flee from Cesarea to save his life. He refused and was exiled.

Ismael made similar statements before his exile to Rev. Mr. Curtis.

The Prussian, Dutch, and American Embassies have recognized this as a perfectly plain case of religious persecution, in manifest opposition to the Hatti-humayoum, and have done their best to obtain the release of these men.

The British Ambassador presents three arguments to excuse and justify the action of the Turkish Government.

He says the men are "exiled for their own safety." In reference to some at least this is simply absurd. In Constantinople they were safe, and had lived unmolested for years as Christian Turks. They were sent to places where they are not safe. In reference to one of those exiled, a Protestant Embassy offered to guarantee the man's good behaviour and safety if he were released.

He said there was imminent danger of an outbreak in Constantinople. I believe this to be altogether unfounded. There has not been for years any approach to an outbreak in Constantinople that we have not had a previous private warning of it from some source. Our means of information in such a case are almost equal to those of the Government. I refer not to the details or the individuals concerned, but to the general fact, and I speak advisedly. After the action of the Porte, and in consequence of it, there was great excitement, but the most careful inquiry has not brought to light any evidence of a previous liability to outbreak among the Mussulmans of Constantinople in reference to religious questions.

He also argued that since the present Ministry are known to be men of liberal views, we must conclude that their present action is in some way consistent with religious liberty. This is hardly a Baconian method of reasoning to deduce facts from theories. It would be more natural, especially in such a case as this, to accommodate the theory to the facts, and reason that as they have manifestly violated Treaties and chartered rights to put down Protestantism, they are, for some reason, inclined to retrace the steps taken in past years as to religious liberty.

This appears to be the truth. It seems to be the policy of the present Sultan and his Ministers to strengthen their Empire by reviving the spirit of Islam—by strengthening and consolidating the forces of Mahomedanism.

It remains for me to call your attention to the fact that the abolition of religious liberty appears to be approved by Her Majesty's Embassy.

I regret to state that for two or three years past it has been increasingly difficult, and sometimes impossible, to induce Her Majesty's Embassy to give a hearing to cases of religious persecution, and of injuries inflicted by Government officials upon the agents of the Protestant missionaries. It is already notorious in Constantinople, and is beginning to be known in the most distant provinces, that the British Embassy no longer protects Protestants, as in former years; while France protects, with the greatest care and most perfect success, the operations of the Jesuit missionaries, who have for two hundred years prosecuted their labours in a manner more aggressive and more calculated to arouse angry feelings than has ever been adopted by any Protestant missionaries in the Empire. They have only lately published in Syria a most violent attack upon Mahomedanism.

In Sir Henry's published correspondence, he defends the action of the Turkish Government, and in the reply before me he says distinctly that he only complains of them because they did "very clumsily" what they were justified in doing; and his whole course, in reference to the late events, gives the impression that he is much more anxious to defend the Turks from Protestantism than to defend Protestants from the unjust actions of the Turks.

His Excellency's course in reference to the Turks arrested on the charge of Protestantism is of itself conclusive evidence on this point, if any further evidence were necessary.

He claims to have warned the Turkish Government of the censure of European public opinion, and he certainly did secure for some of the prisoners a comfortable room and humane treatment in prison; but there his kind offices appear to have stopped, for no one of the prisoners has been set at liberty by his instrumentality, unless it may be said that he has been indirectly instrumental in inducing some of them to renounce Christianity and declare themselves Mussulmans. The three who have refused to do this have been sent into exile. Does any one believe that it would have been necessary for Sir Henry to have guaranteed the peace of the city if these poor men had been quietly set at liberty?

The case of Ahmed of Cesarea is specially significant. His case is stated fully in the November number of "Evangelical Christendom." Sir Henry himself has not claimed that this man's life was in any danger in Constantinople, where he has lived with his family, who are all Christians, four years. No charge, to his or our knowledge, has been brought against him by the police; and nearly two months ago Sir Henry assured us that he would be set at liberty in a few days. Yet, after three months' confinement, he still lies in prison, and is to-morrow morning to be sent away from Constantinople, they say to remain two months at Rodosto, and this with the full knowledge and apparent approval of Her Majesty's Embassy, which declines to interfere, although a full statement of his case has been laid before it this week. One word from Sir Henry would have released this man any day, whose sole crime is that he professes the same faith which is professed by his Excellency.

These statements are made with the deepest regret, especially as Sir Henry has very kindly deigned to express his approval of the discretion used by the American missionaries in their work.

They are made because we feel that our duty to God, to those in prison and exile in Turkey, and to our Christian friends in England, requires us to make known to you the whole truth in reference to the present state of things in Turkey.

It is of course not our business to interfere with Turkish politics, and above all it is not for us to criticise the views or the policy of the Turkish Ambassador, except when these bear directly upon ourselves or our work.

We have addressed the English people, and we now address you, simply because we have utterly failed in our efforts to induce Her Majesty's Embassy here to adopt such a policy in reference to our work as we believe to be essential to real progress in Turkey, and in accordance with the wishes of the English people.

I remain, &c.

(Signed) GEO. WASHBURN,

On behalf of the American Missions in Turkey.

No. 59.

The Archbishop of Canterbury to Earl Russell.—(Received November 9.)

My Lord,

Addington Park, Croydon, November , 1864.

ALTHOUGH I am fully assured that your Lordship's best attention must have been directed for many weeks past to the very grave questions which arise out of the recent infringement of religious liberty by some agents of the Turkish Government at Constantinople, I consider it to be incumbent upon me, as President of the Society for the Propagation of the Gospel in Foreign Parts, to bring under your notice some of the grievances of which the missionaries of that society and their converts have, in my opinion, just reason to complain.

I feel that I should be unjustifiably occupying your time were I to enter into minute details, and it may be sufficient to state that the Society has received information on the most trustworthy authority, to the following effect:—

1. That an English missionary of the Society was seized by an armed officer of the police at the door of his own hired meeting-room, without any previous warning or any charge made against him.

2. That a Turkish missionary of the Society on his way to the School Chapel at Pera was seized and violently dragged through the main street, amid the insults

of the crowd, and then taken to prison, though almost immediately afterwards released.

3. That converts who never preached were arrested and imprisoned with common criminals, that access to them was refused, that one at least was daily urged by the jailers to renounce Christianity and promised freedom on condition of retraction.

4. That a meeting-room leased to the English missionary was closed and sealed, and that sentinels were posted at the door day and night.

5. That a Mahomedan lad was imprisoned six hours and threatened with banishment, for attending the school of the English missionaries.

6. That a Mahomedan adult was imprisoned five days for the same offence.

7. That a Mahomedan family were expelled from their home, because they lived under the roof of one of the converts.

These facts, which can be substantiated by documents in possession of the Society will, I am satisfied, be considered by your Lordship of sufficient importance to justify the strongest representations to the Government of the Sultan.

It seems to be undeniable that the provisions of the famous Treaty of 1856, by which full toleration was conceded to professors of every creed, have been openly violated, and the ordinary civil rights of British subjects disregarded. Under these circumstances it cannot, I feel confident, be too much to expect that your Lordship will use your most strenuous efforts to obtain from the Turkish Government, if not redress for past wrongs, at least some satisfactory assurance that Christian missionaries and Christian converts will not in future be restricted in the exercise of those civil and religious rights which have been guaranteed to them by a solemn Treaty.

I have, &c.

(Signed) C. T. CANTUAR.

No. 60.

Sir H. Bulwer to Earl Russell.—(Received November 11.)

My Lord, *Paris, November 9, 1864.*

I HAVE received your Lordship's despatch of the 31st ultimo, accompanied by the November number of the "Evangelical Christendom."

I am much obliged to your Lordship for sending this inclosure to me; and I take the liberty to repeat what I said in my despatch of the 1st instant—it is time that the whole of the missionary question should be brought to a clear issue:

First, as to the general spirit and substance of the communications which the "Evangelical Christendom" receives.

Secondly, as to the precise facts which its correspondents assert, and on the veracity of which they rely.

Thirdly, as to the principles which Her Majesty's Government mean to adopt, and on which Her Majesty's Ambassador is to act; because it is neither fair that he should be subject to vague accusations, nor that his conduct should be condemned as personal when he acts on opinions which he believes are those of the Ministers of the Crown.

It is with regret that I enter into this controversy, because it is difficult to conduct a controversy without having the air of hostility to the persons one answers, and I have no hostility to these persons; but their statements force me to a reply, in which I will endeavour to be as moderate as the circumstances permit: and I shall begin with the first part of the letter contained in the publication I am alluding to.

Now, if the writer is speaking here, as it is to be presumed he does, of what occurred in July last and of the events brought to my knowledge at that time, the fact easiest to ascertain is that which he finds most difficult, namely:—the number of persons arrested. "Some," he says, "remain in prison;" "many others," he continues, "have been sent to exile:" this would certainly imply a considerable number, and to give a positiveness to the assertion, it is declared that these exiles have been visited by missionaries. The writer knows of seven arrived at a "city in Asia Minor;" an assertion which is not very clear, and considering that there are not a few cities in Asia Minor, it would not have been superfluous to have mentioned the city. "Thirty or forty," he states, "are reported to be arrived at

Acre, and placed in chains as the worst criminals." If this last is a mere report, it was not just to mention it in order to colour the preceding enumeration of facts: it is fair therefore to assume the report is one to which the correspondent gave full credence. Again, he adds that no other charge was brought against any of these persons but that of having changed their religion; from which it is natural to infer that they were charged with and punished for changing their religion.

Now, let us judge the nature of this communication on the above-cited passages.

With respect to the converts who were placed in the police prison at Constantinople, and I know of no others, the Turkish Government declared that no person was charged with or punished for changing his religion, and it put forward the fact that many other more remarkable Mussulmans who had changed their religion were left at liberty; it expressly stated that some of these persons were charged with disturbing the public tranquillity, and that others were detained in order to prevent their suffering from the excitement they had created.

This might be true or not, and I do not enter into the defence of the Turkish Government in this question. Every one may form his own appreciation of it; but the conduct of an Ambassador would naturally be very different in the two cases. If a man was charged with changing his religion and punished for it, he would have a right to interfere and protest against conduct so opposed to promises that had been made with respect to religious liberty; but if, on the contrary, the Turkish Government declared the reverse of this, and stated that what it did towards its own subjects (be it remembered) was on the grounds of public tranquillity and the personal security of the individuals in question, it would be difficult for him to deny the truth of this assertion and to take upon himself the responsibility of providing for the safety of such individuals and for the public peace, without having the means of doing so: more especially when it was declared at the time that the Hatti-humayoun was published that it was not to serve as a pretext for foreign Governments interfering in the internal affairs of the country.*

But what was the number of those arrested, which any one on reading the statement I have been referring to might take to be one hundred at least, and which is left uncertain? Nine: and on the 5th of October, when this correspondent writes, I have reason to believe that none or at most one remained in prison; the "many" others of whom he speaks as exiled were two of whom I will treat presently. As to the seven in a city of Asia Minor, it is the first time I have heard of the accusation. Let us hear of this city and of the missionaries who have seen the Protestants exiled there. Until then, I must believe the correspondent of the "Evangelical Christendom" to have been imposed upon by ill-disposed informants; and as to the thirty or forty sent to Acre and confined in chains on account of becoming or being thought to have become Protestants, let the truth be ascertained: if such is the case, the conduct of the Turkish Government should be held up to the reprobation of Christendom; but if it is a pure invention, let this be fairly acknowledged, for the first characteristics of the gospel are charity and truth.

With the foregoing statements there is something vaguely coupled as to a society which aims at changing the Mahometan religion, and which, it is surmised, says the correspondent, has some political object, and this society the Turkish Government it is said is putting down. I should wish to know your Lordship's opinion as to whether, if there is a society in Turkey aiming at changing the Mahometan religion, and actuated also by political views, and that it is composed of Turkish subjects (not even said to be Christians), I am to interfere and to tell the Turkish Government they are to allow this society to carry on its objects of altering the religion and Government of the country.

When I hear what this society is, and I hear from your Lordship what interference I am to exercise concerning it, I shall know how to act. But at present I have no information and no instructions that would authorise me to mix myself up in such a matter, and consequently I should be stepping beyond the limits of my duty, and perhaps involving Her Majesty's Government in a question which it may not wish to meddle with, if I did so. I must protest therefore against this being made the ground of a personal accusation against me as unfavourable to religious liberty.

The next part of the letter is more precise. It states that two men were exiled to Aïdin and Magnesia; that they were brought back to Smyrna by the Consul at

* "It is well understood that it" (the Hatti-humayoun) "gives in nowise the right to the said Powers to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his subjects, or in the internal administration of his Empire."—"Treaty of Paris of 1856," Article 1X.

that place, and this is said in a manner to infer that I had not done anything in their behalf.

What are the facts? The Turkish Government informed me that the two persons in question would be sent to some places in the Pashalic of Smyrna under the care of Cabouli Pasha, who had been written to and told to see that they were in no wise molested or treated as criminals.

I informed the Evangelical Society of this determination, and when the places in the Pashalic were named to me, I wrote to Her Majesty's Consul at Smyrna giving him orders to look closely after the men sent there. He replied by saying that he thought the places named were objectionable: on receiving this information I immediately insisted on the two individuals in question not being sent there, but left at the town of Smyrna. Fuad and Aali Pashas acceded at once to this request and sent immediate orders to Cabouli Pasha that the two persons in question should be brought to Smyrna, a fact of which I informed your Lordship at the time. I wrote, moreover, when at Paris to Aali Pasha to know if this promise had been fulfilled. He told me that it had been, and that the converts were not only sent to Smyrna but free there. These are the words of Aali Pasha:—"Ils devaient rester à Smyrne, ils y restent. Je me suis empressé d'écrire à Cabouli Pacha de les y laisser libres."

I request your Lordship to decide whether it is fair to leave it to be understood after this that I had done nothing in behalf of these people.

The next fact relates to the treatment of the prisoners.

It is said that the missionaries applied to me saying that these persons were badly treated, placed in cells (if I remember rightly the expression), obliged to sleep on the damp stones without covering or proper food, &c. (I write from memory; the complaints were, however, of this kind.)

The instant I received this communication I sent Mr. Sandison, an English gentleman, and one of the dragomans of Her Majesty's Embassy, direct to the prison. He gave his report, forwarded home at the time, which says that the prisoners were well lodged, that they had proper food and clothing, and that they expressed themselves perfectly satisfied with their lodging, nutriment, &c.

As far as I am concerned, I think it impossible to have done more. But as far as regards the Turkish Government, the correspondent of the "Evangelical Christendom" raises another question: he says that previously and until I sent Mr. Sandison, the prisoners were badly treated. But Mr. Sandison went to the prison without notice; the prisoners spoke to him of the treatment they were then receiving and had been receiving before he arrived. I should therefore be crediting myself unjustly at the expense of the Minister of Police if I said that Mr. Sandison's presence had caused the change. There must be a double conspiracy on the part of the members of the Embassy and of the prisoners themselves, if Mr. Sandison's account was incorrect.

With regard to the request for the Bible, this took place after my departure, and I cannot speak about it from my own knowledge.

The statement of the correspondent is that at first Mr. Herrick's request to furnish the prisoners with the Bible was refused; that he applied to Mr. Stuart, who, he believes, addressed himself to the Minister of Police. This functionary said that he was not aware that the Bible had been refused, and that subsequently it was received.

One must know all the facts to judge of this case; but it is possible that a subordinate acted improperly without the knowledge of his superior, and that when the superior was acquainted with this, he acted in a better spirit. As I said before, one must know the facts in order to form an impartial opinion. I do not think it necessary, however, to jump at once to the conclusion that the head of the police administration, who enjoys a high character for truth, told a deliberate falsehood, though I have no doubt whatsoever, on the other hand, that whatever Mr. Herrick says is true.

To continue: "Sir Henry Bulwer," says the correspondent, "requested that the fate of the persons in prison should be left in his hands, and that no further stir should be made about these matters, and that then the prisoners would be speedily released, and yet they are all in prison, except those who have recanted."

The Turkish Government said that one of the reasons for confining these persons was the excitement that existed, and the danger to which some might be exposed on account of that excitement; and one may perhaps admit that, as the missionaries themselves observe that one of the said prisoners received a salary,

and went about talking to Mussulmans, telling them of the errors of their religion, he might be exposed to some personal danger. I advised, therefore, that we should do our best to drop the causes of excitement, and I repeated the promise the Turkish Government had made me, that in that case all those in confinement would be speedily released. If I could not demand that these men should at once be set free, it seems to me that this was the most sensible advice to give.

As to the recantation alluded to, I know nothing; but two men, from the moment they were confined, declared that they were Mussulmans, and said their prayers accordingly as Mussulmans in prison. The case is one that should be inquired into; but as to the promise that the prisoners and exiles should be released, and the statement made they were not so, I have to point out again that this letter is dated the 5th of October, and that a post-scriptum, in the same spirit, is dated the 10th of October, and that from my own correspondence, dated on the 5th of October, I have every reason to believe no one was at that time in prison at Constantinople, and that the two men sent to Smyrna were free there.

If the information I thus receive is correct, it will be seen that the promises in question were fulfilled, and that the statement they were not so is erroneous. But supposing one man—the last released, and who, by a telegram just arrived, I learn has been about a month at large—was still, when the correspondent wrote, confined, would this fact answer to the word “all”? and is it right, when undertaking to enlighten the public, to state things in such a manner as to produce an exaggerated effect?

Furthermore, the correspondent states that he understands that I deny the exactness of different statements made by the missionaries as to recent events, and affirms their correctness. I do not know precisely to what he alludes; but disputes have been raised as to the locality of the “khans” at Constantinople, and as to what took place in the rooms which the missionaries had hired there. The missionaries have, I believe, stated that these “khans” were not in the Turkish quarter of Constantinople, but amidst a Christian population; leaving it, I suppose, to be conjectured that the Mussulmans had no right to consider that the religious lectures, to which reference has been made, were addressed particularly to them; that the rooms in question were private rooms, and that what took place therein did not and was not likely to produce any hostile feeling on the part of the Mahometan population, and that the books distributed were of a harmless nature.

Now, the locality of the “khans” was the Turkish bazaars, with which every traveller is acquainted. If the missionaries did not go there to address themselves especially to the Turkish population, it appears singular that they should have employed Mussulman converts preaching or lecturing in the Turkish language.

As to the books distributed, I forwarded to your Lordship some that were seized, and also a list of the same in English. Your Lordship will see, amongst the books seized, a notorious work by Dr. Pfander, attacking the foundations of the Mussulman religion—a book which I had warned him a year previously I could not protect him in circulating. This book is described in the English list, of which your Lordship has a copy, as a “Demonstration of the falsity of the Mussulman faith.”* It is true that Dr. Pfander told me that he had given to it a different title in Turkish; but this did not alter the nature of the work.

The “khans” are large square buildings, with a court in the middle, as I believe the missionaries themselves have described them to be; the centre court is a place of rendezvous of the neighbouring population; in the buildings round the court, rooms are let for different purposes; in some of these rooms the missionaries lectured and distributed their books. (In Mr. Curtis’ rooms books were not, I understand, distributed; in Dr. Pfander’s they were.) The doors were left open, so that any one could enter, the proof of which is that many persons did enter who were not converts, but came to see what was going on, and carried away books with them.

As for what was said in these rooms I have had various accounts; but taking the most moderate—a person present made inquiries as to the Mahometan religion, the lecturer then explained the errors of that religion, and the persons who were present listened to the exposition.

Thus, those who came to these rooms and heard these expositions, and reported to the persons circulating about the “khans” what was taking place, produced an excitement, not unlikely day by day to increase, and which, if it arrived to a certain height, might be dangerous to the public tranquillity and all concerned.

I heard from the Turkish Government that this excitement existed; my infor-

* I cannot remember the exact words, but they are to this effect.

mation coincided with what the Turkish Government said, and it seemed to me likely that what I heard and what the Turkish Government said was true. The missionaries say it was not, and that there was no excitement.

It is not easy for Europeans to judge, as I have more than once said, of the excitement of Orientals until it is too late—our officers in India believed in the fidelity of their troops till they were shot down by them. But, as far as I am personally concerned, this is not the question at issue.

Was I to believe the Turkish Government—its assurances being strengthened by what I heard from other credible sources, or implicitly to believe the missionaries, and to discredit any warning as to the certainty of a disturbance until it actually took place? Had I the authority to force the Turkish Government to allow the continuance of that which they said would lead to confusion and tumult, and perhaps murder? And if I had had the authority and exercised it, as the missionaries wished, and that five or six missionaries and converts had been killed, and this had led to a general outbreak, and to the destruction of life and property, what would all sensible Englishmen and those placed under my protection have said of me? “Was there ever such obstinacy and stupidity displayed as by Sir Henry Bulwer? The Turkish Government actually told him what would occur; he slighted their observations; he imposed on them by his threats and his violence, and insisted on the experiment of seeing what a Mussulman population would do, inflamed by the sight of men of their own race, and but recently of their own creed, lecturing against their former religion, in the most excitable place that could be chosen.”

My course had to be taken at once, and if the case was to occur a hundred times over again, I should do precisely as I did, if I was acting on my own responsibility.

The last sweeping charge of the missionaries is, that for the last two years I have not supported the principle of religious liberty in hardly any case in which my aid has been requested.

It is singular that in every single case mentioned by the missionaries, namely, that of Ahmed, who had been imprisoned on the charge of having forced his wife to be a Christian, and of whom it is said that “Sir Henry Bulwer applied to the Porte on his behalf, and he was immediately set free:” and with respect to the prisoners who complained of their food and clothes, I did, according to the statement of the missionaries themselves, attend, and this with efficacy, to their appeals. But they do not name one single case where I did not.

I went to Egypt for some time on public business in 1862, and to London and Paris in 1863 and 1864. I cannot answer for what took place in my absence, though I feel morally certain that Her Majesty’s Chargé d’Affaires would not have neglected any just representation made to him; but at all events, I think I can confidently deny the allegation during any time I was at my post.

Why, if this charge is well-founded, is it made now for the first time? Such general charges made at this moment neither require refutation nor admit of it.

The next charge is that my predecessor, Lord Stratford de Redcliffe, exercised greater influence than myself, and that he exercised it more strenuously than I have mine in favour of Christian propagandism; and it is added that all that the missionaries ask for is to receive the same protection now that they did formerly.

In regard to my general position at Constantinople, I am content to rest satisfied with your Lordship’s testimonials and those of your Lordship’s predecessor. As to the part I have taken with regard to the subjects that interest the missionaries, without instituting any comparison with Lord Stratford de Redcliffe, I will nevertheless remark that I have received their own thanks for procuring what Lord Stratford de Redcliffe had not the good fortune to procure, namely, the printing of the Bible in Turkey.

I will not take any undue merit to myself on this account; still it is a fact which proves that I have not been indifferent to the cause which the different Christian Societies had at heart when I could comply with them, and that my aid was not powerless in their behalf.

Let them, moreover, be just. Were converted Mussulmans seen in Lord Stratford de Redcliffe’s time preaching publicly in a school-room, which is against the regulations that prescribe that the Church service should be performed in a church?

Did the missionaries ever take rooms in the “khans” at Constantinople, and preach and expound and distribute books tending to bring the Mahometan religion into discredit in Lord Stratford de Redcliffe’s time?

With respect to the first, as the school-room was in the Christian part of Constantinople (at Pera), I obtained permission that nothing should be done against it, because I thought this proved a spirit of tolerance on the one side, and was not likely to produce disturbance on the other.

With respect to the second, I did not interfere in favour of it, because I thought it endangered the peaceful progress of religious liberty, and might create bloodshed and confusion.

So far from thinking that there is less religious liberty now than formerly, I am of opinion that there is more; and I hold this to be in no small degree proved not only by the fact that the Protestant service is performed, as I have said, by converted Mussulmans publicly in Pera, but also by the fact that the attempt—to which so much attention has been drawn—was made to lecture publicly against Mahometanism at Constantinople. The security which the Protestants have enjoyed induced them, in my opinion, to be somewhat indiscreet in the use of it. I do not on this account mean to boast of my own efforts. I think that an increased tolerance has been the natural result of events. I only regret what happened to interrupt it.

It is affirmed that I intimated that the reason for the lukewarmness of which I am accused was my desire not to increase French influence.

I must really give a total denial to what I venture to call the "nonsense" thus put into my mouth. If I alluded to the French Government at all, I alluded to the facts that occurred in Crete and elsewhere, where the French missionaries made a great number of Roman Catholic converts. These converts appealed to the French Government for its protection on account of their having become Roman Catholics, and the French Government replied that this did not give them the right to protect them, for that they were Ottoman subjects; and shortly afterwards, they all or nearly all returned to their original faith—the Greek Church.

It is quite natural that a Protestant Government or a Catholic Government should take an interest in persons who are Protestants or Catholics, and exercise their influence to a certain degree in their favour; but this must have limits. If every foreign Government were to take under its protection the persons adopting its religion, and interfere officially and violently in their behalf, the very principle which created the Crimean war and the peace of Paris is broken down, and the whole of the Ottoman Empire would be the scene of a constant religious and political struggle.

I may take the liberty of adding that I am not a person unknown altogether in political life. For upwards of thirty years my career has been before the public, and during the whole of this time I have been the warmest advocate of religious liberty; I would wish to see it everywhere established in the widest sense. Still, I cannot but confess that this liberty, like others, is practically subject to certain restraints, and a certain attention must be paid to order, tranquillity, and the customs, sentiments, and even prejudices of the people on whose habits it has to be grafted.

Missionaries are not always the best judges in this respect; they are naturally, from their very calling, animated by a zeal which leads them oftentimes to overlook any other consideration than that of attaining the object they have in view. But my honest and sincere desire is to do all to meet their wishes that can be done with justice and prudence; and if clear and certain rules are laid down for my conduct, I shall strictly attend to them.

Your Lordship was quite right in saying that in the passage which the deputation that waited on you the other day selected from a letter I had written to the agents of the Evangelical Alliance, I communicated to them the ideas of the Turkish Government, as at the time these had been communicated to me. I cannot here refer to the original manuscript to see if the passage quoted is correctly quoted; but if it is so, the word "private" will require some explanations.

If a missionary takes a private room in a public place, and uses it in a manner to produce a public effect by opening it to all the public, this is one thing; but if a missionary expresses his views in a private conversation, or in his own house receives Mussulmans who wish to inquire as to the Christian religion, or to ascertain his opinions of their own, this is another thing; and I do not think that there would be or ought to be any objection to it.

My notions as to what we might require and obtain are:—

1. That the Protestant service should be allowed to be performed by Mussulman converts in Protestant churches, if they claim to do so, on the under-

standing that they should be told, if using in their sermons any arguments in favour of Christianity as against Mahometanism, to be cautious as to insulting the faith they have quitted.

2. That when the Protestant Church service is performed or preaching is carried on out of a regular place of worship, this should be allowed, provided the Turkish Government is duly informed of it, and there are no objections on its part as to the locality.

3. That the missionaries should be perfectly free to receive any persons at their own houses, who come to make inquiries from them on religious matters, providing they avoid collecting persons together in a public manner, for the purpose of entering on points of religious controversy that would be likely to offend the public feeling or create disorder.

4. That agents should be allowed to sell the Bible, whether by hawking or in shops, but that they should be duly punishable if they distribute other works attacking the religion or Government of the country.

Your Lordship, perhaps, will kindly point out to me if these regulations appear to you satisfactory; and if not, what others you would wish to see established.

On the other hand, I think that the missionaries should be told that as they are in a foreign country, they should not unduly outrage the customs and sentiments of the native population, and should avoid as much as possible every action likely to disturb the public tranquillity.

I venture to think that they should also be told that, whilst wishing to favour the spread of our religion, and feeling favourably to those who adopt it, we cannot consider or claim to consider Protestants, who are subjects of the Sultan, as if they were British-protected subjects, and deny or set aside the action of their own Government over them.

Finally, I have to assure the missionaries that they have erroneously judged my conduct; and to observe, without any anger or ill-will, that it is neither just nor charitable, nor even politic, to suppose that if any one in the discharge of a public duty in difficult circumstances differs in some respects from them, that he is on that account their adversary, or that he may not be favourable to their cause, though in the exercise of his judgment he may consider that that cause would be better advanced by other means.

I have, &c.

(Signed) HENRY L. BULWER.

No. 61.

Mr. Layard to the Rev. H. Jones.

Sir, *Foreign Office, November 15, 1864.*
I AM directed by Earl Russell to acknowledge the receipt of your letter of the 5th instant, and of its inclosure, upon the subject of the recent religious excitement at Constantinople.

I am, &c.

(Signed) A. H. LAYARD,

No. 62.

Mr. Layard to Colonel Dawes.

Sir, *Foreign Office, November 15, 1864.*
I AM directed by Earl Russell to acknowledge the receipt of your letter of the 4th instant respecting the alleged exile of Ahmet Agha, a Turkish convert to Christianity.

I am, &c.

(Signed) A. H. LAYARD.

No. 63.

Earl Russell to Mr. Stuart.

Sir,

Foreign Office, November 16, 1864.

WITH reference to your despatch of the 12th ultimo, I transmit to you herewith a copy of a letter from the Church Missionary Society* respecting the alleged exile of the Turkish convert to Christianity named Ahmed, and I have to state to you that if this individual is in any way dangerous to public peace Her Majesty's Government have nothing to say, but if he is not, he ought in their opinion to be unconditionally liberated.

I am, &c.
(Signed) RUSSELL.

No. 64.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, November 17, 1864.

I TRANSMIT herewith to your Excellency a copy of a letter from the Turkish Missions Aid Society,† inclosing a copy of a letter received by the Society, signed by Mr. George Washburn on behalf of the American missionaries in Turkey, respecting the late religious excitement in Constantinople, and I have to state to you that I shall be glad to be furnished with any observations you may wish to make thereupon.

I am, &c.
(Signed) RUSSELL.

No. 65.

Mr. Stuart to Earl Russell.—(Received November 19.)

My Lord,

Therapia, November 7, 1864.

I WAS surprised and grieved to learn on the morning of the 2nd instant, from Mr. Washburn, one of the American missionaries, that he had received a telegram from Rodosto, informing him of the imprisonment at that place of Ahmed of Cæsarea, the Turkish convert to Christianity who formed the subject of my despatch of the 12th ultimo, and who had started on the 14th with his family for Rodosto, where it was stated that he intended to remain for some weeks before going on to Adrianople.

I at once sent Mr. Etienne Pisani to the Porte to inform Fuad Pasha of the untoward occurrence, and to request that orders might be sent by telegraph to Rodosto for Ahmed's immediate release. These orders were sent the same day, and his Highness' surprise and regret at the occurrence appear to have been quite equal to my own.

A telegram subsequently reached me from the British Consular Agent at Rodosto stating that Ahmed's imprisonment had been ordered by the Kaimakam, and that he had been placed in the assassins' prison because of his being a Christian. I accordingly again sent Mr. Etienne Pisani to represent this circumstance to Fuad Pasha, and to say that unless an example was made of the authority who ordered such an act of persecution, Her Majesty's Government would consider the Porte to be directly responsible for it. A copy of Mr. Pisani's report of his second interview with his Highness upon the subject is herewith inclosed. Your Lordship will perceive from it that the Kaimakam of Rodosto was to be strongly and severely reprimanded for his unauthorised proceedings, and I have since learnt that this promise has been fulfilled, and that Ahmed is to receive a general letter of recommendation to be shown to the authorities wherever he goes.

Aali Pasha regrets and blames the conduct of the Kaimakam equally with the Grand Vizier.

The only details respecting the affair which have reached me are contained in

* No. 57.

† No. 58.

a letter of this day's date from Mr. Washburn, of which I have the honour to inclose a copy.

I have, &c.
(Signed) W. STUART.

Inclosure 1 in No. 65.

Mr. Pisani to Mr. Stuart.

Pera, November 4, 1864.

Sir,

IN conformity with your directions, I this morning waited on Fuad Pasha and explained to him, word for word, your instructions to me indorsed on Mr. Consular Agent Caliga's telegram of the 2nd instant. His Highness asseverated that the Porte is in no way privy to the blameable act of the Kaimakam of Rodosto, and so much so, observed he, that when I acquainted him with the imprisonment of Ahmed Agha, he lost no time in ordering, by telegram, his immediate release.

He promised, when he goes to his office to-morrow, to address an official letter to that functionary, strongly and severely reprimanding him for his unauthorized proceedings. Moreover, he means to send a general letter of recommendation to Ahmed Agha, to be shown to the authorities of the places where he may wish to go.

I have, &c.
(Signed) E. PISANI.

Inclosure 2 in No. 65.

The Rev. G. Washburn to Mr. Stuart.

Sir,

Constantinople, November 7, 1864.

I BEG to acknowledge the receipt of yours of 3rd and 5th instant, and to express to you the most sincere thanks, not only of the American Mission, but of the Constantinople branch of the Evangelical Alliance, for the most satisfactory result of your action in reference to Caiserli Ahmed.

The reply of the Grand Vizier was not only more than we could have hoped for, but everything which could be desired, and we cannot but feel that its character was due to your most kind and energetic efforts in behalf of this poor man.

You will be glad to learn that he was not arrested at Rodosto for any breach of the peace or any indiscretion. The only charge made against him by the Kaimakam was that his story was incredible, and his passport, which he received from the Minister of Police, not *en règle*. For this pretended informality he was put in a dungeon, and no one was allowed to see him or furnish him with a blanket, until the Protestant pastor went in person to the Kaimakam and demanded to know if this was in accordance with his orders. He replied that it was, and asked the pastor what business he had to interfere, as this man was a Turk. He replied, that whether Turk or Christian he was his guest, and he was therefore bound to care for him.

No permission was given to see him; but on a second attempt being made to give him a blanket, it was received at the prison.

These facts I learn from a letter received on Saturday from the same person who sent the telegram which I inclosed to you.

You will allow me personally, and in behalf of the American missionaries, to thank you for your very kind note of the 5th instant, and I trust that you may never have occasion to regret the permission which you so kindly accord to us.

I am, &c.
(Signed) GEORGE WASHBURN.

No. 66.

Mr. Stuart to Earl Russell.—(Received November 19.)

My Lord,

Therapia, November 8, 1864.

WITH reference to my despatch of the 25th ultimo, I have the honour to transmit to your Lordship herewith copies of further letters which have passed

between Mr. Curtis and me, upon the subject of my request to him to draw up a memorandum, in concert with his brother missionaries, showing the disabilities under which they believe Protestants to labour in this country, and the measures which they recommend as best calculated to obtain security and quiet for Christian ministers and converts.

I regret to find from Mr. Curtis' letters that the idea of a joint memorandum is not considered practicable by the missionaries, and that several of them propose to draw up separate statements of their views upon the matters in question. This course is, I am afraid, likely to increase the difficulty of dealing with them, as well as that of arriving at a satisfactory understanding with the Porte.

The statement of the American missionaries, in the form of a letter to Mr. Curtis, wandered so much from the points to which your Lordship's instructions referred, and contained so many uncalled for reflections upon the conduct of Sir Henry Bulwer and upon the policy of Her Majesty's Government, that I could not have received it without entering into a disagreeable controversy with them; and I have therefore returned it to Mr. Curtis in as courteous a manner as possible for their reconsideration, having no doubt, from the good feeling which Mr. Washburn has shown in another letter, of which a copy has been inclosed to your Lordship in my despatch of yesterday's date, that they will readily consent to confine their observations within the limits desired.

I have, &c.
(Signed) W. STUART.

Inclosure 1 in No. 66.

The Rev. C. Curtis to Mr. Stuart.

Sir, *Pera, October 25, 1864.*
ACCORDING to the reply which I had the honour to write on the 17th, I communicated your letter to my brother missionaries, and obtained from them the promise that they would send me their respective statements in a few days. These statements I shall have the pleasure of submitting to you as soon as I have taken copies of them.

I would beg you to pardon me for thus departing from the letter, at least, of your instructions. My reason for proposing to forward the statements of the other missionaries separately from my own, and earlier than my own, is that I am anxious to avoid both the danger of confusion or indistinctness, and the inconvenience which may arise from any needless delay. Allow me to add that I will take the earliest opportunity of forwarding my own statement after I have consulted the Bishop of Gibraltar, who is at once our Diocesan and a Vice-President of the Society for the Propagation of the Gospel, of which I am an agent.

I have, &c.
(Signed) C. G. CURTIS.

Inclosure 2 in No. 66.

Mr. Stuart to the Rev. C. Curtis.

Sir, *Therapia, October 29, 1864.*
I BEG to acknowledge the receipt of your letters of the 17th and 25th instant, the one informing me that you desired to consult the Bishop of Gibraltar as well as your colleagues, before acceding to my request that you would draw up a memorandum showing the measures which in common with them you considered best calculated to obtain security and quiet for Christian ministers and converts; and the other that you propose to forward to me separate statements upon the subject from your colleagues in the course of a few days.

My object in addressing myself to you as the secretary, and therefore the organ of the Church Missionary Society, was that I might obtain from you in a simple comprehensive statement a knowledge of the common wants of the Protestant missionaries in order that I might make use of the same, in as far as I could concur therewith, in my communications with the Porte. I thought that in this simple manner the missionaries, Her Majesty's Embassy, and the Porte, would be better

able to understand each other, and that the three acting in concert might possibly be enabled to establish their future relations with respect to the questions affecting religious toleration and liberty upon a more defined and satisfactory footing.

The course, however, which you at present propose would rather tend to prevent than to promote the object which I had in view. The statement of individual missionaries, or of different bodies of missionaries, would represent the divisions rather than the unity of the whole body, and besides being a source of embarrassment to me in the exercise of my judgment, would give me no strength in my dealings with the Porte. I could not, moreover, receive any statement from the American missionaries, as such, without an indecorous encroachment upon the province of the Minister of the United States.

You must therefore permit me to inquire whether the missionaries would not be disposed to meet and to compare their respective statements, and then to draw up a single memorandum containing those views which they share in common upon the important matter to which my instructions relate, in order that I may as far as possible have their light to guide me whilst endeavouring to promote their common interests.

Such a memorandum could not but gain in value and influence by being maturely weighed, and by receiving the support of so distinguished a Prelate as the Bishop of Gibraltar, and it would be for you to judge whether the delay required for referring it to his Lordship would not be fully compensated by the advantage to be derived from his advice.

I am, &
(Signed) W. STUART.

Inclosure 3 in No. 66.

The Rev. C. Curtis to Mr. Stuart.

Sir,

Pera, November 3, 1864.

I BEG to acknowledge, with many thanks, the receipt of your communication dated the 29th October. I had the pleasure of reading it on Tuesday at a meeting of missionaries. But before I received it, I had already received the statements of the American missionaries which they addressed to me.

As that statement contains much information respecting practical disabilities of Protestants as well as suggestions regarding "measures," I would beg to forward it to you, presuming that a variety and fulness of information about facts will be acceptable, and that you may be not unwilling to receive those suggestions regarding measures which the same document contains. I would venture to represent that a joint memorandum is not considered practicable, because different bodies of missionaries act under different responsibilities, and cannot feel themselves free in all cases to adopt the same course. The American Mission having been established in Turkey for forty years, and being extended throughout the Empire, the missionaries naturally regard their work as on a distinct footing from ours. It is, then, as a letter addressed to me, and which I have the pleasure of forwarding to the English Embassy, that the accompanying document is presented.

The American missionaries do not forward it, although they would follow a long-established custom by applying directly to the British Embassy.

They have for at least thirty years enjoyed the privilege of communicating directly with Her Majesty's Embassy. They have not appealed to it for personal protection, nor for any favour relating to their own civil rights. For this they of course look to the American Minister. But in all cases relating to the question of religious liberty in Turkey they have been kindly permitted to present directly to Her Britannic Majesty's Embassy full statements of such facts as they deemed it desirable for Her Majesty's Ambassador to know. If this course should be denied to them it could no longer be possible for persecuted Protestants in the interior to make their wrongs known in Constantinople. An influence would be removed which has done more than any other to check wrongs and oppression in the Provinces. They have appealed to the British Embassy not as Americans, not for any personal favours, but simply as ministers of the Gospel, or as persons who were in possession of facts which Her Majesty's Embassy ought to know.

The English missionaries of the two Church Societies propose to unite in submitting their "Memorandum" to their diocesan before presenting it. I would

therefore beg further indulgence, as time will be of necessity required before we can obtain his Lordship's opinion. I expect to leave shortly for Malta, with a view to this amongst other objects.

Having received from the missionaries of the Church Missionary Society their statement of the disabilities (practical, not legal) of the Protestants, I shall have the honour of presenting that with my own, as I hope, before leaving.

I am, &c.
(Signed) CH. G. CURTIS.

Inclosure 4 in No. 66.

Mr. Stuart to the Rev. C. Curtis.

Sir,

Therapia, November 7, 1864.

UNDER the circumstances mentioned in your letter of the 3rd instant I should not object to receive from the American missionaries, through you, a statement of the disabilities to which they believe Protestants in Turkey to be subjected, and of the measures which they consider best adapted to remove those disabilities; but I cannot consent to be placed in a false position by accepting as such a statement their letter which you inclosed to me, containing criticisms upon the conduct of Her Majesty's Ambassador and upon the policy of Her Majesty's Government. You will readily understand that it is impossible for me to discuss matters of this nature either with them or with you. It was with a view to promote harmony for the future, and not to re-open a former controversy, that I was instructed to confer with you. You must, therefore, permit me to return to you the letter of the American missionaries, in the hopes that they will see the propriety, if they wish to make a separate statement, of confining it to the matters upon which they had been consulted.

I confess that it has been a disappointment to me to learn from you that a joint memorandum is not considered practicable. It had certainly occurred to me that there might be differences of opinion amongst the missionaries as to the measures to be suggested; but I imagined that any such differences might have been dissipated by means of friendly consultation, and that none could possibly exist in drawing up a simple statement of the particular points in which the religious liberty granted to the Greek and Roman Catholic Churches in Turkey is not equally enjoyed by the Protestant Church.

I am, &c.
(Signed) W. STUART.

No. 67.

Mr. Stuart to Earl Russell.—(Received November 19.)

My Lord,

Therapia, November 9, 1864.

I HAVE the honour to inclose herewith a copy of the answer which I have received from Aali Pasha to your Lordship's despatch of the 30th of September, relative to the proceedings of the Ottoman Government towards the Protestant missionaries in the month of July last, and to the position of Protestants in Turkey.

I have, &c.
(Signed) W. STUART.

Inclosure in No. 67.

Aali Pasha to Mr. Stuart.

M. le Chargé d'Affaires,

Le 8 Novembre, 1864.

JE me suis bien rendu compte du contenu de la dépêche de son Excellence le Comte Russell, ainsi que des annexes que vous m'avez fait l'honneur de me transmettre par votre note en date du 19 Octobre, 1864, ayant rapport à certaines mesures prises par le Gouvernement Impérial à l'égard des missionnaires Protestants.

Je ne saurais, M. le Chargé d'Affaires, y faire une réponse plus satisfaisante qu'en mettant les faits qui ont eu lieu sous leur véritable jour.

Je suis persuadé qu'il est à la connaissance du Gouvernement de Sa Majesté la Reine que la communauté Protestante a toujours joui des mêmes privilèges et immunités accordés spontanément à toutes les autres communautés Chrétiennes qui se trouvent sous la protection et dans les domaines de Sa Majesté de Sultan.

Le Gouvernement Impérial, pénétré d'un parfait esprit de tolérance, laisse une liberté entière à tous ses sujets de pratiquer leurs devoirs religieux tout autant que les uns n'empiètent pas sur la liberté religieuse des autres, et jusqu'à présent les missionnaires Protestants n'ont jamais eu à se plaindre contre qui que ce soit d'empiètement dans l'exercice de leurs devoirs religieux. Ils ont leurs églises, ils ont leurs écoles, et j'entretiens une trop haute opinion de ces messieurs pour penser un instant qu'ils seraient capables d'affirmer que le Gouvernement Impérial ait jamais pris contre eux la moindre mesure vexatoire.

Or, depuis quelque temps le Gouvernement Impérial recevait de tous côtés des rapports, lui faisant connaître que dans la population Musulmane régnait une certaine agitation, et que les esprits s'agrippaient de plus en plus par suite de la circonstance que quelques Musulmans passés au Protestantisme, et s'érigeant en missionnaires Protestants, s'étaient établis dans des khans, endroits considérés ici comme des places publiques, et où tout le monde a l'accès libre, pour prêcher et discuter publiquement des matières religieuses, et qu'ils faisaient en même temps circuler des livres en Turc dans lesquels la religion Mussulmane était très fortement attaquée.

Le Gouvernement Impérial ayant une parfaite connaissance de l'esprit de la population et surtout d'une population paisible, c'est vrai, mais dont la conscience religieuse était imprudemment offensée, ne pouvait fermer l'œil sur de pareils faits sous peine d'en voir naître les conséquences les plus désastreuses. Déjà, il avait acquis la conviction que la sûreté de plusieurs de ces neo-missionnaires était en péril. Conséquemment, il a pensé que le meilleur mode de faire face à ces inconvénients, c'était de tarir, par de moyens sommaires, la source de ce malaise. Il a donc fait immédiatement fermer les susdits établissements et arrêter la circulation des livres en question. Cependant aussitôt qu'il a pu constater que parmi ces établissements il y en avait de ceux qui appartenaient à des missionnaires sujets étrangers, il s'est empressé de les faire rouvrir et il a même exprimé des regrets de cette erreur à l'Ambassadeur de Sa Majesté la Reine.

La Sublime Porte a une trop haute opinion des sentiments de justice qui animent le Gouvernement Britannique pour penser un moment qu'il veuille intervenir dans ce qui concerne les rapports directs du Gouvernement du Sultan avec ses propres sujets; mais il ne tient pas moins à cœur que le Gouvernement de Sa Majesté la Reine soit bien convaincu des idées de parfaite tolérance professées et mises constamment en pratique par le Gouvernement du Sultan. Voilà pourquoi, M. le Chargé d'Affaires, j'ai cru de mon devoir de donner des explications détaillées sur les motifs qui ont induit le Gouvernement Impérial à prendre des mesures de précaution vis-à-vis de quelques sujets convertis au Protestantisme, mesures qui n'ont consisté que de rassurer la personne des convertis et d'en éloigner quelques uns du centre de l'agitation, en leur laissant de choix le leur résidence.

Il serait à souhaiter que les missionnaires Protestants voulussent bien à l'avenir faire usage de plus de modération dans leurs actes, en épargnant ainsi au Gouvernement Impérial la fâcheuse nécessité de recourir à des mesures qui sembleraient être en contradiction avec les principes dont le Gouvernement Impérial est animé.

Je vous, &c.
(Signé) AALI.

(Translation.)

M. le Chargé d'Affaires,

November 8, 1864.

I HAVE fully taken into consideration the contents of the despatch of his Excellency Lord Russell, as also of the inclosures which you did me the honour to transmit to me in your note dated the 19th October, 1864, having reference to certain measures taken by the Imperial Government with respect to the Protestant missionaries.

I could not give you, M. le Chargé d'Affaires, a more satisfactory answer than by putting the facts which have arisen in their proper light.

I am persuaded that it is known to the Government of Her Majesty the Queen, that the Protestant community has always enjoyed the same privileges and immunities which

are spontaneously accorded to all the other Christian communities which are under the protection and in the dominions of His Majesty the Sultan.

The Imperial Government, penetrated with a perfect spirit of tolerance, gives entire liberty to all its subjects to practise their religious duties as long as no one encroaches upon the religious liberty of others, and up to the present time the Protestant missionaries have never had to complain against any one for encroaching upon the exercise of their religious duties. They have their churches, they have their schools, and I entertain too high an opinion of those gentlemen to think for a moment that they would be capable of affirming that the Imperial Government has ever taken against them the smallest vexatious measure.

For some time past, however, the Imperial Government had been receiving from all sides reports informing it that a certain agitation was prevailing in the Mussulman population, that the minds of men were more and more embittered, owing to the circumstance that certain Mussulmans, who had gone over to Protestantism, and set themselves up as Protestant missionaries, had established themselves in inns, places considered here as public places to which everybody has free access, to preach and publicly discuss religious matters, and that they at the same time circulated books in Turkish in which the Mahomedan religion was very strongly attacked.

The Imperial Government having a perfect knowledge of the popular spirit, and above all of the spirit of a population, peaceable it is true, but whose religious conscience had been imprudently offended, could not shut their eyes to such facts without danger of the most disastrous consequences. Already it had come to the conviction that the safety of many of these new missionaries was in danger. Consequently it thought that the best manner to face these inconveniences was to stop by summary measures the source of this uneasiness. It therefore immediately caused the above-named establishments to be closed, and the circulation of the books in question to be stopped. Nevertheless, as soon as it could ascertain that among these establishments there were some which belonged to missionaries who were foreign subjects, it hastened to have them re-opened, and at the same time it expressed its regrets for this mistake to the Ambassador of Her Majesty the Queen.

The Sublime Porte has too high an opinion of the sentiments of justice which animate the British Government to think for a moment that it would wish to interfere in what concerns the direct relations between the Government of the Sultan and its own subjects. But it none the less ardently desires that the Government of Her Majesty the Queen should be thoroughly convinced of the ideas of perfect tolerance professed and constantly put in practice by the Government of the Sultan.

That is why, M. le Chargé d'Affaires, I have thought it my duty to give these detailed explanations as to the motives which have induced the Imperial Government to take precautionary measures with regard to certain subjects converted to Protestantism, measures which have only consisted in assuring the personal safety of the converts, and in removing some of them from the centre of the agitation, leaving to them the choice of their residence.

It would be desirable that the Protestant missionaries should for the future employ greater moderation in their actions, thus sparing the Imperial Government the painful necessity of having recourse to measures which would seem to be in contradiction to the principles by which the Imperial Government is animated.

(Signed) AALI.

No. 68.

Earl Russell to Mr. Stuart.

Sir,

Foreign Office, November 24, 1864.

I HAVE received your despatch of the 9th instant, inclosing a copy of a note you had received from Aali Pasha relative to the proceedings of the Ottoman Government towards the Protestant missionaries in July last, and to the position of Protestants in Turkey.

I have to instruct you to state to Aali Pasha that I have read his note with satisfaction, and that I trust that if in future the Ottoman Government have any reason to expect disturbances from the proceedings of Protestant missionaries, they will communicate their apprehensions to Her Majesty's Government.

I am, &c.
(Signed) RUSSELL.

No. 69.

The Rev. H. Jones to Earl Russell.—(Received November 25.)

My Lord,

7, Adam Street, Strand, London, November 24, 1864.

I HAVE the honour of forwarding to your Lordship a correspondence received by the last mail from Constantinople.

I am instructed also to assure your Lordship that the missionaries in Turkey, as well as the friends of religious truth and freedom in general, rejoice greatly in the liberation of the last of the Turkish converts, and still more in the assurance afforded thereby that the cause of religious liberty, which has lately received so severe a shock, will again revive through your Lordship's powerful intervention.

I have, &c.

(Signed) HENRY JONES, *Secretary.*

Inclosure in No. 69.

The Rev. G. Washburn to the Rev. H. Jones.

Dear Sir,

Constantinople, November 9, 1864.

I BEG to inclose to you copies of a correspondence between Rev. Charles Geo. Curtis, A.M., of the Society for the Propagation of the Gospel and the American missionaries in Constantinople.

You are at liberty to make it public in any way which you may think best.

You will notice that the letter of the American Mission is not addressed to Mr. Stuart. Had it been so, it would of course have been impossible for us to enter upon so full and free a discussion of the whole question of religious liberty.

As a letter addressed to the Rev. Mr. Curtis, and communicated by him to the Embassy for the sake of the information which it contained on the points named in Mr. Stuart's note to him, it certainly need not have given any offence to Mr. Stuart. His position, however, is of course, a very delicate one, and we have no inclination to complain of his action. The truth is, that it is simply impossible to discuss this subject without alluding to Sir Henry Bulwer and his policy. It is the universal opinion that his policy in reference to the Hatti-houmayoun is the occasion, if not the cause, of all our present difficulties. In a letter to Earl Russell, dated Therapia, November 18, 1860, he says:—

“The Hatti-houmayoun itself was merely valuable as a declaration of principles which might serve as a landmark for future legislation. It did nothing itself in the way of legislation, and I doubt much whether, by pointing too suddenly and extensively at an entire alteration in manners and feelings, it did not give rise to many of the evils which usually follow such experiments, and actually followed those of the same kind made in France in the eighteenth century.”

With such views of the Hatti-houmayoun it is not singular that he should decline to support the principles which it proclaims, nor is it singular that the Turkish Government should disregard this Edict when Her Majesty's Ambassador declares to the world not only that it has no binding force, but that on the contrary its tendencies have been pernicious.

May I trouble you to communicate these letters to the Secretary of the Evangelical Alliance?

I am, &c.

(Signed) GEORGE WASHBURN.

The Rev. C. Curtis to the Rev. G. Herrick.

My dear Sir,

Pera, October 17, 1864.

I have received the inclosed this evening. Can you at your convenience favour me with the views of the American Mission upon the points named in it, in order that I may act as I am instructed to do?

Believe me, &c.

(Signed) CHARLES GEO. CURTIS.

Copy of the Inclosed Note.

Sir,

Therapia, October 17, 1864.

Having been instructed by Earl Russell to represent to the Porte that Her Majesty's Government expect that the religious liberty granted by the Turkish Edicts to the Greek Church and to the Roman Catholic Church shall be equally enjoyed by the Protestant Church, I should feel obliged to you if you will have the kindness to let me know the exact points in respect to which the religious liberty enjoyed by the two former Churches is greater than that granted to the Protestant Church.

As I am farther instructed to confer with you with a view to obtain security or quiet for Christian ministers and Christian converts, perhaps you would kindly draw up a memorandum, after consultation with your English and American colleagues, suggesting such measures as you may consider best calculated to secure the object in view, without creating disturbance amongst the fanatical Mussulman population.

Rev. C. G. Curtis.

I am, &c.
(Signed) W. STUART.

Copy of the Reply of the American Missionaries to the letter of Rev. C. Curtis.

My dear Sir,

Constantinople, October 27, 1864.

Your note inclosing a copy of a letter from Hon. Wm. Stuart; Her Britannic Majesty's Chargé d' Affaires at the Porte, has been received, and in accordance with your request we beg leave to make the following statements:—

Mr. Stuart says that he "has been instructed by Earl Russell to represent to the Porte that Her Majesty's Government expect that the religious liberty granted by the Turkish Edicts to the Greek Church and to the Roman Catholic Church should be equally enjoyed by the Protestant Church."

This sentence seems to imply that the Protestants in Turkey have complained of the existence of certain Edicts granting religious liberty to other Christian communities which is not enjoyed by them. Such is not the fact; no such Edicts are in force.

The Imperial Edicts, which owe their existence chiefly to the efforts of Her Majesty's late Ambassadors Lord Stratford de Redcliffe and Lord Cowley, recognize Protestantism as an established religion of the Empire, with the same rights enjoyed by other Christian communities. The Edicts themselves are satisfactory, but the Protestants complain, first, that in respect to them, these Edicts, especially during the past few years, have not been faithfully executed; and secondly, that an altogether new interpretation has just been put upon them by the Turkish Government, with the apparent approval of Her Majesty's Embassy.

1st. The position of the Greek, Armenian and Roman Catholic communities in this empire is very different from that of the Protestant.

The former are numerous, wealthy and powerful. The Porte is in a measure dependent upon them, and individuals among them hold most important and influential relations to the Turkish Government, which they are always able and ready to use for the benefit of their co-religionists; and in addition to this the French and Russian Ambassadors always stand ready to afford their active and efficient aid wherever it is needed.

The Protestants, on the other hand, are as yet few and feeble. They unite against themselves the active hostility and untiring opposition of all the other Christian communities, and of late years the aid and protection of Her Britannic Majesty's Ambassador and Consuls has generally been withheld.

Under these circumstances, as might be expected, while Greeks and Roman Catholics always command the fullest execution of the Edicts referred to, Protestants are powerless to defend themselves from wrong and oppression, even when they are most clearly in the right, and have the most obvious provisions of the Imperial Edicts in their favour. Six cases of this nature have been presented to the British Embassy within a year by the Evangelical Alliance. In Bitlis and other places the Protestants are constantly imprisoned, beaten and stoned. In Constantinople itself, ejected by mobs from their ancestral burial-places, they have no place allowed them to bury their dead, except for a single quarter of the city at Ballar and the small Protestant cemetery at Fenking, which is designed exclusively for foreigners; and in some other places they have been prevented from burying at all for several days, and then only in secret. In the Pashalic of Erzeroom men have

been driven from their own houses and native villages, with the consent of the Turkish authorities, for no other crime than that of Protestantism. Their representatives are often refused admission into the local medjlisses, and they are constantly subject to similar wrongs, such as usually fall only to the lot of a legally unrecognized and persecuted community. Not satisfied with allowing the native Protestants to suffer wrong, the Porte has officially attacked the Protestant missionaries in the "Journal de Constantinople" with most false and abusive accusations, and denied them the privilege of reply. The relative position of the Catholics may be seen from the fact that the managing editor of this official paper is a Roman Catholic.

2nd. While this want of practical protection has made Protestantism almost an impossibility in Turkey, that which causes most alarm among Protestants is the new interpretation which is now put upon the Edicts by the Porte and by Her Britannic Majesty's present Ambassador.

The Hatti-houmayoun granted full religious liberty, not merely toleration. It was understood by all to give not simply the right to believe and practise evangelical truth, but to propagate it. This right to propagate their religious views is enjoyed and constantly exercised by Greeks and Roman Catholics in Turkey. It has been enjoyed by Protestants, and it is the essential element of religious liberty. Man's religious nature compels him to seek to win others to his own faith, whether he be Protestant, Catholic, or Rationalist. The Koran recognizes this as an essential element of religion, and when the Hatti-houmayoun proclaimed full religious liberty to all the subjects of the Sultan, it was understood that this essential right was then given to all the Christian communities, and converted Turks then began to labour openly and unmolestedly for their countrymen. Six years ago Aali Pasha sent an officer to the house of a missionary at Bebek to investigate the case of a converted Turkish family, and learn whether any compulsion had been used. When satisfied on this point, the officer declared officially that he had nothing more to say, as under the Hatti-houmayoun a Mahometan had as good a right to become a Christian as a Christian had to become a Mussulman. The two religions were placed upon a legal equality.

This full liberty, guaranteed by the late Sultan to all his subjects, and enjoyed for years by all, seems now to be denied to the Protestants.

His Excellency Sir Henry Bulwer, in his letter of 1st August, reports the position of the Government to be this:—

"The Ottoman Government is willing to allow Protestants and all Christians to exercise their own religion in the Ottoman dominions in churches or quietly at home, but it will not allow any attempts, public or private, to assail the Mussulman religion. It will allow Mussulmans to become Christians, but it will not allow them, any more than it will other Christians, to go about speaking publicly against Mahometanism. It says its policy is to protect all religions, and not to allow persons of one religion to attack another."

This is in brief the announcement of the new interpretation of the Hatti-houmayoun, as it is to be applied to Protestants. It cannot be learned that any similar announcement has been made to any other Christian communities, and the Roman Catholic Propaganda is urging on its work of proselytism with its usual zeal among both Mussulmans and Christians. As a practical commentary upon this interpretation of the Edicts, men who have lived for years in Constantinople as Christian Turks, in peace and quiet, have of late been arrested, confined months in prison, and then sent into exile, for no other crime than that, having been Mussulmans, they have become Protestants, and have made known this fact and the cause of it to their former co-religionists, not now for the first time, or in any new way, but as they have for years past, and this act is justified by the Porte on exactly the same ground as that taken by Rifaat Pasha in his correspondence with Lord Stratford in 1843, when he excused the action of the government in executing Ovaghim. The official article, already alluded to in the "Journal de Constantinople" of August 4th, defends the late action of the Porte, makes the most infamous accusations against Protestant missionaries, who have laboured in Turkey forty years not only for the religious, but for the material and intellectual interests of the Empire, and declares that they will no longer be allowed to do what they have actually been doing for at least twenty-five years. The organs of the different Patriarchates, which are all under Government censorship, took up the cry, and congratulated the Porte that it had at last put a stop to Protestant proselytism.

This deliberate change of policy, especially as it is justified by his Excellency

Sir Henry Bulwer (in his letter of August 1, and his correspondence with Earl Russell in reference to Memorials presented to him), naturally strikes terror into the Protestants of Turkey, as it not only places their faith under an interdict, but proclaims to all their enemies that they may prosecute their designs against Protestantism without fear of Government interference.

Mr. Stuart, in the second part of his note, requests that "a Memorandum be drawn up suggesting such measures as may be best calculated to give security and quiet to Christian ministers and Christian converts without creating disturbance amongst the fanatical Mussulman population."

It will be understood, from what we have already said, that we do not think that any new Imperial Edicts are necessary to secure religious liberty to Protestants.

We regard the Hatti-humayoun, if fairly interpreted and honestly executed, as amply sufficient. But, as has been already stated, this Edict has not been fairly executed during the past few years in the case of those Protestants (much the larger portion of the community) who are converts from the several Christian Churches in Turkey. And during the past summer the Government has adopted still more unjustifiable measures in Constantinople against the few Protestants who are converts from the national faith—measures which they seem to have pushed all the farther from meeting with no determined opposition.

First. We think now that such an execution of the Hatti-humayoun should be demanded and insisted upon that Protestants may have practically the same rights which are accorded to other communities.

They should be allowed to circulate freely, in all parts of the Empire, the Bible and all other books authorized by the Censorship; to build Protestant churches wherever there are Protestants residing; to live as Protestants, unmolested in all parts of the Empire; to preach the truth as they understand it in their churches and in other appropriate places; to receive converted Turks, on an equal footing with themselves, into their civil community; to bury their dead in appropriate places in peace and quiet; in short, that they should enjoy all the rights accorded to other Christian communities, and theoretically given to them by the Hatti-humayoun.

Second. We feel that the interpretation now put upon this Edict by the Porte is unreasonable and dangerous, as well as new, and one which should call forth a formal protest from that Power whose influence secured its first enactment.

The Government has undoubtedly a right to demand of the missionaries and their converts not only the strictest obedience to the laws of the land, but a due consideration of the circumstances in which they are placed and the people among whom they labour.

If they violate the laws let them be openly tried and condemned. But, on the other hand, if these requirements are not neglected, the missionaries and their converts are entitled to the same "security and quiet" which the protection of the Government secures to any other class of men.

We believe that if the British Embassy gives the Porte to understand that England will not tolerate any persecution of Protestants under any pretence whatever, but will insist upon the rights originally guaranteed by the Hatti-humayoun and hitherto enjoyed, Protestant Christian ministers and their converts will be as secure in Turkey as others. We have every reason to believe that the excuses alleged for the recent persecution in Constantinople were mere pretences; they were vague, intangible assertions, incapable of proof; they were the same formerly alleged to justify the execution of renegades, and the same which may be advanced any day to justify future persecutions.

If such assertions are now to be received as not only a sufficient excuse for the imprisonment and exile of Protestant Turks, but also as a good reason for giving a new and various interpretation to the Hatti-humayoun, then the Protestants in Turkey have nothing more to hope for. The converted Turks will have their lips for ever sealed; and if a Mahometan desires to adopt Christianity, he must choose some other form of it than Protestantism, or suffer indefinite persecution "for his own safety" and the "peace of the city." Does any one believe that similar precautions would have been taken for the safety of a Greek who had become a Catholic or a Mussulman?

Third. It is impossible after all to ignore the fact that in the present condition of the empire Protestantism needs something more to secure to her the enjoyment of her chartered rights than even a just interpretation of the Hatti-houmayoun.

His Excellency Sir Henry Bulwer most truly remarked, at a late breakfast given in his honour, that, under the present constitution of the Government, even Imperial Commissioners could only temporarily secure legal rights in the Provinces against unworthy officials. And Protestants, for reasons already stated, are peculiarly liable to suffer from such men. For this reason, it was formerly the policy of Her Britannic Majesty's Embassy to extend its officious protection to Protestants in all cases of manifest oppression; and Protestantism owes not only her legal existence in Turkey, but most of her legal triumphs over fanaticism and persecution, to the influence of Her Britannic Majesty's Consuls and the British Embassy in Constantinople.

Protestants look naturally to the same source for continued protection; not protection which shall render them so far independent of the Government, but protection against the ill-will or caprice or religious prejudice of individual officers who would deprive them of rights legally guaranteed by the Government.

Roman Catholics and Greeks enjoy not only the powerful protection of their Patriarchates, but the still more potent protection of the French and the Russian Embassies, and, except when it is used for political purposes, there is nothing in such protection inconsistent with the genius of this Government. Every man in Turkey has his patron. Justice is more often obtained by favour than by law. Men often lie in prison for years, even in Constantinople, without a trial, simply because no one asks for their release, while real criminals escape if they have powerful friends. We could name many such instances which have come within our own knowledge.

As the Protestants are as yet numerically weak, they need far more than any other community such friendly aid to make the Porte comprehend and sustain their rights.

But Her Britannic Majesty's present Ambassador has adopted a different policy, and during the past few years, and especially during the late events in Constantinople, has so far withheld his officious protection that Protestantism is left at the mercy of her enemies. Cases of the grossest persecution go unredressed in the Provinces where Her Majesty's Consuls are no longer instructed to care for Protestant interests. Protestants are imprisoned and exiled in Constantinople without a form of trial, and the present Turkish Ministry is justified in giving a new interpretation to former Edicts which renders them practically worthless; as under this interpretation they practically give no more liberty than was enjoyed before their issue.

Of course we do not suppose that Her Britannic Majesty's Ambassador has adopted this policy of non-intervention from any dislike to Protestantism, but simply as an incidental result of his general policy in Turkey.

But we do not hesitate to say that if this policy, so far as it relates to Protestantism, be adhered to, the cause of religious liberty has nothing to hope for from the Turkish Government but oppression. In the present condition of this empire, the hearty sympathy and the friendly aid of the British Embassy and Her Britannic Majesty's Consuls is as necessary to secure religious liberty and civil rights to Protestants as the Edicts of the Sultan.

We cannot, of course, demand this protection. We can at most only ask it as a favour to our common faith, and we have ventured to express ourselves so fully at the present time only because your note led us to believe that both you and Mr. Stuart desired a full and honest expression of the opinion of the American missionaries in Turkey. Upon this question of religious liberty we have read Mr. Stuart's note which you inclosed with pleasure and hope, as it affords us reason to believe that England is about to return to her former policy, and once more render to Protestants in Turkey that friendly aid which they so much need, and which they can expect from no other source.

You are at liberty to make such use of this note as you may think best.

Believe us, &c.

In behalf of the American Missionaries—

(Signed)

GEORGE WASHBURN.

ELIAS RIGGS.

The Rev C. G. Curtis, A.M.,
&c. &c. &c.

After Mr. Curtis had received this letter he was informed that Mr. Stuart desired a single memorandum rather than separate ones from the English and American missionaries, but as this was at present impracticable, and the Rev. Mr. Curtis did not feel at liberty to draw up such a Memorial without consultation with the Bishop of Gibraltar, he inclosed the letter of the American missionaries to Mr. Stuart, as furnishing a statement of facts and exhibiting their opinions upon the points in respect to which he had requested information.

Copy of letter from Rev. C. Curtis.

Dear Sir,

Pera, November 8, 1864.

I am sorry to be obliged to return your letter which I sent on to Mr. Stuart. I inclose a copy of his letter to me on the subject.

Believe, me, &c.

Rev. Geo. Washburn.

(Signed)

CHARLES GEO. CURTIS.

Copy of that portion of Mr. Stuart's letter relating to the letter of the American Missionaries.

(Extract.)

Therapia, November 7, 1864.

Under the circumstances mentioned in your letter of the 3rd instant, I should not object to receive from the American missionaries, through you, a statement of the disabilities to which they believe Protestants in Turkey to be subjected, and of the measures which they consider best adapted to remove those disabilities; but I cannot consent to be placed in a false position by accepting as such a statement their letter which you inclosed to me, containing criticisms upon the conduct of Her Majesty's Ambassador and upon the policy of Her Majesty's Government.

You will readily understand that it is impossible for me to discuss matters of this nature either with them or with you. It was with a view to promote harmony for the future and not to reopen a former controversy that I was instructed to confer with you; you must, therefore, permit me to return to you the letter of the American missionaries, in the hope that they will see the propriety, if they wish to make a separate statement, of confining it to the matters upon which they had been consulted.

(Signed)

W. STUART.

Rev. C. G. Curtis.

No. 70.

Lord Calthorpe to Earl Russell.—(Received November 26.)

(Extract.)

Elvetham Park, Winchfield, Hants, November 24, 1864.

I HAVE been requested to forward to your Lordship the inclosed letters, which confirm the account of the release of the Turkish converts to Christianity, but I beg to add that the sentence of banishment has not been cancelled, and that the two converts who have been permitted to remain at Smyrna, and as it is alleged at their own request, have not been allowed to return to Constantinople, where their families reside.

Inclosure 1 in No. 70.

The Rev. G. Herrick to the Rev. H. Schmettau.

My dear Sir,

Constantinople, November 7, 1864.

YOU have been informed of the fact that the Turkish Government, after keeping Ahmed Agha in prison for three months, gave him the option of remaining two months longer or going, for two months, to some provincial town, where he should not be kept under guard. He chose unrestrained exile in preference to imprisonment, and accordingly went to Rodosto the 15th ultimo.

In addition to his own letters, in which he informed us that he was at liberty and unmolested, conversing daily in the most friendly manner with persons of all nationalities, we have the express testimony of the Protestant Armenian pastor

there, whose guest Ahmed was, that while he uniformly witnessed a good Christian confession before all, his whole conversation and conduct has been commendably prudent.

You may judge of the surprise and grief with which we heard, five days ago, that Ahmed was again imprisoned. We lost no time in communicating this fact to Her Britannic Majesty's Embassy, yet we feared very greatly that this was only part of the plan of the Government, pointing to still worse complications, and it was with trembling solicitude that the note received from the Embassy on Friday evening was opened, lest we should be informed that nothing could be done for the poor man.

We were, therefore, profoundly grateful on being officially informed that, in reply to the inquiry of Her Britannic Majesty's Embassy, the Grand Vizier himself had expressed his great surprise at the arrest of Ahmed and promised at once to telegraph to the Kaimakam (Local Governor) of Rodosto to release him immediately and give account why he had been apprehended.

We rejoice at this, not only because it relieves our fears for Ahmed, but still more as an evidence that the English Government is, after all, determined to maintain its right of protection over Protestant Christians in Turkey.

We have some particulars by letters recently received of the circumstances of Ahmed's arrest. After he had been remaining in Rodosto, in all, quiet for two weeks, the Local Governor summoned him before him, and in a very rough and abrupt manner demanded his name and papers, and interrogated him as to his faith; declared the papers with which he had been furnished here by the Government to be worthless, and incarcerated him in a dungeon, refusing all requests to see him or send him anything, even driving the Protestant pastor, who is every way deserving of praise for his course in this whole matter, rudely from his presence.

I should have added above that the Grand Vizier, besides ordering Ahmed's immediate release, promised to order the Governor of Adrianople to see that he be unmolested when he should come to that city, where he was expecting to spend at least a month's time.

I remain, &c.
(Signed) GEO. F. HERRICK.

P.S.—I have received the copy of the "Morning Post" which contains the account of the interview of the Deputation of the Evangelical Alliance with Earl Russell, and am greatly obliged to you for it. The state of the case now appears to me encouraging.

G. F. H.

Inclosure 2 in No. 70.

The Rev. E. Bliss to the Rev. H. Schmettau.

My dear Brother,

Constantinople, November 10, 1864.

WE have all been deeply interested in the published accounts of the interview of your Deputation with Earl Russell, and rejoice at the favourable tone of his Lordship's reply. We do not put our trust in princes, and yet they are often the instruments by whom the Lord works deliverance for his oppressed people. His Lordship says he has been informed that the imprisoned men have been set at liberty, and that he will inquire as to the truth of the statement that they have been sent into banishment. Aali Pasha, Minister of Foreign Affairs here, is said to have so informed the Ambassadors of the different Powers interested in the question that Ahmed, the last of the prisoners, had been "set at liberty and had gone to Rodosto of his own choice." It is quite possible that the same statement may be made to Earl Russell in answer to his inquiries. The truth in the case is, that when Ahmed was ordered into exile, he was asked where he would prefer to go. A number of places were mentioned to him, and he was allowed his choice among them. He chose Rodosto, as the place nearest Constantinople. The question whether he would leave Constantinople or not was not left to his choice. His only choice was between Rodosto and other places. This is a pretty fair specimen of the "state-craft" of our far-famed Minister of Foreign Affairs.

For the first fortnight of Ahmed's residence at Rodosto he was allowed the liberty promised by the Government, and spent his time in visiting the Armenian

Protestant brethren of the city, having also much and perfectly friendly intercourse with all classes, the Turks not excepted. At the end of this time, without any provocation on his part, and without the specification of any charge against him except that he had changed his religion, he was suddenly seized by order of the Governor of the city, and thrown into prison. And when his Armenian friends, hearing of his imprisonment, asked permission to send him a few things necessary for his comfort, their request was most rudely and insultingly refused. This proceeding of the Governor of Rodosto is a natural and direct result of the new policy in respect to religious liberty inaugurated at Constantinople during the last few months. It shows, too, what interpretation will be put upon the recent acts of the Government by the officials and by the populace in all parts of the Empire. It will never occur to them that men may be imprisoned for three months and then banished for an indefinite time for their own personal safety. Their minds are too dull for such refinements of watchful care over its subjects on the part of the Government. Whatever interpretation the Government may try to put upon its own acts, and whatever special pleas its defenders here or elsewhere may make in its defence, the fact is just this and nothing else, viz., religious liberty has been virtually abrogated in the case of these imprisoned and banished Protestant Christian Turks. So the Governor of Rodosto understands the case, and so will all the subjects of the Porte understand it as the knowledge of what has transpired circulates through the country. The breach of the charter of religious liberty granted by the late Sultan is a most palpable one. We could not have a clearer, stronger case. The Alliance could not have a better case on which to appeal to the people and Government of England, and see what can and what cannot be done by them on behalf of the imperilled cause of religious liberty in Turkey. We are glad that the Alliance has planted itself on the simple ground of asking that the influence of England in Turkey be used to secure the faithful execution of the provisions of the Hatti-Humayoum. Nothing more need be asked,—nothing less should be accepted. A little firmness in the right direction on the part of Her Majesty's Ambassador last summer would have been sufficient then. A great deal of firmness and long-continued exertions on the part of your Government and its Representatives will now be required. And we are glad to hear that the Alliance are determined never to rest till the needed result is gained. May God guide and bless all your efforts! I ought to add, in reference to the imprisonment of Ahmed at Rodosto, that when Fuad Pasha, the Grand Vizier, was informed of what the Governor of that city had done, he expressed great surprise, and promised that Ahmed should be immediately set at liberty, and the Governor called to account for his conduct. More than a week has now passed, but we have not as yet heard whether these promises have been fulfilled.

Please present my affectionate salutations to the members of your Committee, and believe me as ever, &c.,

(Signed) EDWIN E. BLISS.

P.S.—Since finishing my letter news has come that the prisoner at Rodosto has been set at liberty, in accordance with Fuad Pasha's promises. This is a hopeful sign, so far as it goes. But the sentence of banishment has not been cancelled.

E. E. B.

No. 71.

Earl Russell to Mr. Stuart.

Sir,

Foreign Office, November 28, 1864.

I HAVE to acquaint you that Her Majesty's Government approve the steps taken by you to obtain the release of Ahmed, the Turkish convert to Christianity, unjustly imprisoned by the Kaimakam at Rodosto under the circumstances reported in your despatch of the 7th instant.

I have, &c.
(Signed) RUSSELL.

No. 72.

Mr. Hammond to Colonel Dawes.

Sir,

Foreign Office, November 28, 1864.

WITH reference to Mr. Layard's letter of the 15th instant, I am directed by Earl Russell to acquaint you that it appears from a report which has been received from Her Majesty's Charge d'Affaires at Constantinople, that Ahmed, the Turkish convert to Christianity, after his arrival at Rodosto, was imprisoned by order of the Kaimakam, but that on Mr. Stuart's representing the circumstance to the Grand Vizier, his Highness declared that the Porte was in no way privy to that unjust and oppressive act on the part of the Kaimakam; he promised that an official letter should be immediately addressed to that functionary, strongly and severely reprimanding him for his unauthorised proceedings. His Highness also stated that Ahmed's release had been ordered by telegram.

It has been likewise announced that a general letter of recommendation was to be sent to Ahmed to be shown by him to the authorities of the places where he may wish to go.

I am, &c.
(Signed) E. HAMMOND.

No. 73.

Colonel Dawes to Mr. Hammond.—(Received November 30.)

Sir,

Church Missionary House, November 29, 1864.

I AM directed by the Committee of the Church Missionary Society to acknowledge the receipt of your letter of the 28th instant, and in reply to request that you will convey to Earl Russell their best thanks for the information therein contained, respecting the release from imprisonment of the Turkish convert to Christianity, Ahmed Agha.

I have, &c.
(Signed) M. DAWES,
Secretary to the Church Missionary Society.

No. 74.

Mr. Hammond to Lord Calthorpe.

My Lord,

Foreign Office, November 30, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your Lordship's letter of the 24th instant upon the subject of the treatment of certain Turkish converts to Christianity.

I am, &c.
(Signed) E. HAMMOND.

No. 75.

Mr. Hammond to the Rev. H. Jones.

Sir,

Foreign Office, December 12, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your note of the 24th ultimo, inclosing copies of a correspondence you had received from Constantinople respecting the position of the missionaries in Turkey.

I am, &c.
(Signed) E. HAMMOND.

No. 76.

Earl Russell to the Archbishop of Canterbury.

My Lord,

Foreign Office, December 15, 1864.

YOUR Grace's letter of November , written in the character of President of the Society for the Propagation of the Gospel, has been duly considered, and I expect to obtain from the Turkish Government the assurances your Grace alludes to.

But I have thought it best to allow some of the recent warmth to cool down before I made any further application to the Government of the Turkish Empire.

I am, &c.

(Signed) RUSSELL.

No. 77.

Earl Russell to Mr. Stuart.

(Extract.)

Foreign Office, December 15, 1864.

I HAVE weighed deliberately the various statements which have been made to me by the Society for the Propagation of the Gospel, by the Bible Society, and by other religious bodies, on the subject of the occurrences which took place at Constantinople in July last.

With regard to the general principle which on these matters is to be maintained, I conceive it to be contained in the promises made to Lord Stratford de Redcliffe, in the Treaty of 1856, and in the Hatti-Humayoun. I may say further, that the Russian Government, by the Treaty of Kainardji, and by subsequent Treaties and Conventions, placed itself in the position of Protector of the subjects of the Porte professing the religion of the Greek Church in the Danubian Principalities and in the Greek islands.

The Cabinet of Lord Aberdeen, while actively defending the independence of Turkey, felt that, in objecting to the separate interference of Russia, they were bound to obtain some guarantee for the security of the subjects of the Porte professing the Christian faith, whether of the Greek or Roman Catholic Church, or Protestants, whether Christians by descent or Turkish converts.

It is true that the Great Powers renounced, by the Treaty of Paris, "the right to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his subjects, or in the internal administration of his Empire."

But if this renunciation of "interference" is to be interpreted as meaning that no representations are to be made, and no assurances asked for from the Turkish Government, similar to the representations made by and the assurances asked for by Lord Stratford de Redcliffe, a very objectionable result would follow. Let me explain this matter.

The Archbishop of Canterbury, as President of the Society for the Propagation of the Gospel, has declared his expectation that I would use my "most strenuous efforts to obtain from the Turkish Government, if not redress for past wrongs, at least some satisfactory assurance that Christian missionaries and Christian converts will not in future be restricted in the exercise of those civil and religious rights which have been guaranteed to them by a solemn Treaty."

I am willing for my part, now that the Turkish converts, though not restored to Constantinople, have been set at liberty, to concur with the Society for the Propagation of the Gospel in opinion that it would be useless and unadvisable to seek redress for past wrongs. But I must ask assurances for the future; and if, in reply, I am to be told that the reference to the Hatti-Humayoun, in the Treaty of 1856, and the promises made to Lord Stratford de Redcliffe, have no practical value, and that neither missionaries nor converts can derive any protection from those documents, I am convinced the feelings of the English nation towards Turkey will be very seriously affected, and their disposition to defend the integrity of the Turkish Empire much abated. But, in fact, the Turkish Government do not take their stand on any such grounds. Aali Pasha has by his last despatch admitted the right of Her Majesty's Government to inquire and make representations on such matters; and he has accounted, or attempted to account, to Her Majesty's Government for the late violent proceedings of the Sultan's Government, by stating the apprehensions which the Porte felt that the peace of the capital might be disturbed;

indeed, it cannot be denied that in extraordinary emergencies a Government is bound to provide for the public tranquillity by measures which, at the moment, may be harsh and unusual.

I must, however, desire you to obtain from Aali Pasha assurances that religious freedom will not hereafter be assailed or restricted by the Turkish Government.

Doubtless the Government of the Sultan will take precautions for the preservation of civil peace, but such precautions are quite compatible with religious freedom.

I think that the missionaries should be told that they should not outrage the customs and sentiments of the native population of the country whose hospitality they are enjoying, and that they should avoid as much as possible every action likely to disturb the public tranquillity.

I think it must also be understood that if a convert should be asked by any member of his family, or by any of his relations or near friends, why he has embraced the Christian faith, his replying to such an inquiry ought not to expose him to punishment, on the pretence that he is making proselytes: his private and familiar communications ought to be respected.

With regard to Sir H. Bulwer's part in these transactions, it has been a difficult and a painful one.

Considering the friendly relations between Great Britain and Turkey, the Sultan's Government ought to have requested him to warn the missionaries before that Government resorted to the violent and offensive measures reported in the letter of the Archbishop of Canterbury, of which I inclose a copy.*

I am persuaded that Sir H. Bulwer, being thus left without proper warning, did everything in his power to break the violence of the blow, and that you yourself took measures to secure proper food and a decent place of confinement for the prisoners. It is, indeed, my opinion that Sir H. Bulwer, throughout these transactions, amid conflicting claims, and paying due regard to the supremacy of the Sultan, and the interests of internal tranquillity, has not been wanting in due exertions for the cause of religious liberty.

If the missionaries will hereafter show somewhat more prudence, and the Turkish Government somewhat more of friendly forbearance, a recurrence of these painful scenes may be prevented.

No. 78.

Earl Russell to Sir H. Bulwer.

Foreign Office, December 17, 1864.

Sir, WITH reference to your letter of the 9th of November last, I transmit herewith, for your information, a copy of a despatch which I have addressed to Her Majesty's Chargé d'Affaires at Constantinople,† upon the subject of the occurrences which took place in that capital in July last.

I also inclose a copy of a letter from the Archbishop of Canterbury, together with a copy of my reply thereto, upon the same subject.‡

I am, &c.
(Signed) RUSSELL.

No. 79.

Mr. Stuart to Earl Russell.—(Received December 31.

My Lord,

Constantinople, December 17, 1864.

WITH reference to your Lordship's despatch of the 27th of October last, relative to the sale of the Bible in Turkey, and to the imprisonment and exile of Turkish converts to Christianity, I have the honour to state that I have not failed to make careful inquiries respecting the assertions made to your Lordship upon those points, as described in that despatch.

The Grand Vizier and Aali Pasha assured me, in the first instance, that only seven persons had been arrested, of whom three had been removed from the capital, two to Smyrna, and one to Rodosto, and that four others had been gradually set at liberty. Their Highnesses both declared very positively that the four latter had

* No. 52. † No. 77. ‡ Nos. 59 and 76.

been released, without the least reference to their religious opinions, as soon as it was discovered that they might return to their homes without fear of molestation. Fuad Pasha went so far as to say that he did not know to this day whether any or all of them were still going about as Christians, or whether any of them had returned to Mahometanism; that no attempt whatever to induce any of them to recant, whilst in prison, had been made by his authority, or, to the best of his belief, by any person connected with the prison, and that the only injunction given to them on their discharge was, that they must be careful not to create disturbance in the neighbourhood of their respective abodes. His Highness, as well as Aali Pasha, continues to maintain that the three first-mentioned converts were not removed as a punishment, but entirely for their personal safety.

I afterwards learnt from Mr. Pfander that the number of Turks originally arrested, on the ground of being converts, had been nine, of whom four only had been baptized, three of these being those who were removed to Smyrna and Rodosto, and the fourth having been set at liberty; that of the others, three who declared themselves Mussulmans were immediately released, and that of the remaining two, one was released after a few days, and the other after a few weeks' detention.

This statement is now acknowledged by the Porte to be perfectly accurate, the mistake of Fuad and Aali Pashas having arisen from the fact that two out of the nine, having declared that they had nothing to do with preaching, were immediately set at liberty by the Minister of Police, who did not include their names in the official list sent in to the Porte.

For your Lordship's more complete information I inclose a list, showing the names of the persons who were arrested on the occasion in question.

With respect to Ahmet Agha, who had the misfortune to be arrested when he disembarked at Rodosto, as reported in my despatch of the 7th ultimo, I had the satisfaction of ascertaining this morning from Mr. Washburn that he had subsequently been treated with much consideration and kindness by the Pasha of Adrianople, and that he has now returned to Constantinople, where he does not appear to be in any danger of molestation.

When last I heard from Her Majesty's Consul at Smyrna, on the subject of the two converts who were sent to that city, he reported that they were in a comfortable position; that one of them, being too old and infirm to work, was supported by public contributions, and that the other had obtained good employment.

With regard to the sale of the Bible in Constantinople, I am informed that it is true that Bibles are not purchased to the same extent as formerly, and that the presumption amongst the missionaries is that the people are now afraid to purchase them. This presumption is naturally ridiculed by the Grand Vizier and by Aali Pasha, and if such a fear exists, it is probably one of the results of the unfortunate arrests of July last, and does not arise from any fresh act of intimidation on the part of the Porte.

I have, &c.
(Signed) W. STUART.

Inclosure in No. 79.

List of the Converts arrested in July 1864.

Berber (barber) Salik Agha, Silivri Copoulon Ahmed Baba, Aktzi (cook) Marashly Ali Agha, Saratz (saddler) Hadji Emin Effendi, at Constantinople.
Imam (priest) Abdul Satif Effendi, Ismail Effendi, sent to Smyrna.
Demidji (ironsmith) Kaiserly Ahmed Agha, sent to Rodosto.

The above seven were the only names contained in the list sent to the Porte.

Yorgandi Halil Effendi and Pesteredji Ismail Effendi were also arrested, but set immediately at liberty.

Aali Pasha to M. Musurus.—(Communicated to Earl Russell by M. Musurus, January 19, 1865.)

M. l'Ambassadeur,

Sublime Porte, le 30 Novembre, 1864.

J'ai reçu les deux dépêches que votre Excellence a bien voulu m'adresser en date du 27 Octobre et du 3 Novembre, ainsi que le compte-rendu de l'audience accordée par Lord Russell à une députation de l'Alliance Evangélique.

Mes précédentes communications vous ont fait connaître la conduite de certains missionnaires Protestants, et les mesures que la Sublime Porte s'est trouvée obligée d'adopter. Je veux aujourd'hui vous entretenir plus particulièrement des questions soulevées par les débats auxquels ces mesures ont donné lieu en Angleterre; et je suis sûr que les mêmes appréciations judicieuses et libérales, jointes à l'esprit de conciliation que j'ai été heureux de retrouver dans le langage du Principal Secrétaire d'Etat de Sa Majesté Britannique, nous viendront en aide pour dissiper tous les doutes, et pour anéantir toutes les calomnies. C'est donc avec une confiance illimitée dans l'équité et la bienveillance du Cabinet de Sa Majesté la Reine Victoria, et dans la justice si éprouvée de la nation Anglaise, que je sou mets les explications suivantes au jugement éclairé de sa Seigneurie.

Le Gouvernement Impérial a consacré, par le Hatti-Humayoun de 1856, le libre exercice de tous les cultes professés dans l'Empire. L'exécution scrupuleuse de cette promesse lui a été d'autant plus facile que la diversité des éléments religieux réunis sous sa protection lui faisait une loi de veiller indistinctement à la sauvegarde de tous les intérêts religieux, et de garantir chacune des croyances contre les agressions des autres, en leur laissant à toutes une entière liberté dans leurs légitimes manifestations. La Sublime Porte a mis en cela la plus grande sincérité. Non-seulement elle a reconnu la juridiction et la hiérarchie spirituelle des différents cultes non-Musulmans; mais encore elle les a tous admis aux mêmes honneurs civils que la religion d'état, et leur a spontanément concédé des prérogatives équivalentes. Chacun est libre aujourd'hui de professer sa religion et d'en exercer le culte; aucune loi ne défend l'entrée de la Turquie aux communautés religieuses de tous les rites Chrétiens; leurs membres n'y sont soumis à aucune entrave dans l'exercice de leurs cérémonies spirituelles; tous les cultes y érigent leurs temples, et y jouissent d'une pleine liberté, même dans leurs formes extérieures et dans leurs cérémonies publiques; enfin, les livres sacrés de toutes les religions sont imprimés et publiés dans les différentes parties de l'Empire.

Nous pouvons donc affirmer que les Chrétiens de tous les rites et les Israélites jouissent en Turquie de droits qu'ils seraient heureux de posséder dans la plupart des pays Chrétiens de l'Europe. Il serait inutile d'énumérer les restrictions imposées à la liberté de conscience dans d'autres pays, sans en excepter peut-être l'Angleterre même, qui est, sous ce rapport, une des nations les plus libérales, mais dont la législation conserve encore quelques-unes des restrictions de ce genre. Parmi ces restrictions, il suffira de citer les peines sévères édictées par une loi du règne de Guillaume III, contre ceux qui, par parole, par enseignement ou par écrit, nient la vérité de la religion Chrétienne, et la divine autorité de l'Ecriture Sainte.

Je ne conteste pas, M. l'Ambassadeur, que ces dispositions restrictives sont en partie adoucies dans la pratique; mais il n'en est pas moins vrai que la législation Britannique en a reconnu la nécessité. En faisant ces observations, je n'ai aucune autre intention que celle de demander un peu plus d'indulgence à notre égard. En effet, si le Gouvernement Britannique, qui est à la tête de la civilisation, se voit obligé de compter dans bien des cas avec l'influence religieuse d'un parti, ne serait-il pas équitable de reconnaître que la Sublime Porte aussi ne pourrait pas ne pas tenir compte des sentiments de ses populations, et surtout ne pas chercher à défendre sa religion dans les limites de la modération et de la justice contre des attaques intéressées?

Le Gouvernement Impérial, qui n'a pas admis le libre exercice du prosélytisme en faveur de la religion de l'état, ne peut pas l'admettre contre elle. Le principe de la tolérance religieuse ne peut à nos yeux être concilié avec l'agression publique contre aucune religion.

Lord Russell constate dans son discours, à plusieurs reprises, les difficultés qui surgissent dans l'application du principe dont il est question. Sa Seigneurie déclare qu'elle ne peut concevoir la liberté des croyances religieuses sans celle de formuler, dans l'ardeur de la conviction, les arguments qui les ont fait adopter. Le

noble Lord va jusqu'à admettre l'attaque, d'une façon privée, à la religion qu'on croit erronée ; mais il voit une offense dans l'action d'attaquer et d'injurier publiquement cette religion.

Sans doute, la liberté des opinions entraîne celle de les formuler. Nous pensons, néanmoins, qu'il leur est interdit d'employer d'autres formules que celles de la persuasion. Jusque là ce mode de manifester ses convictions religieuses se trouve, pour nous, justifié par le principe de la liberté des opinions. Mais sa Seigneurie, qui condamne l'expression agressive des convictions religieuses lorsqu'elles se produisent au grand jour, ne contestera pas qu'il y a loin de la manifestation spontanée et tolérante des convictions à une propagande systématique qui dispose de moyens puissants, et agit dans le but arrêté d'amener la subversion des autres religions ; qui puise toute son énergie dans l'intolérance et la haine de ces religions ; qui spéculé non seulement sur l'ignorance des masses et les défaillances de la foi, mais encore sur les motifs politiques et surtout sur les mobiles de l'intérêt ; qui insulte et injurie, au lieu de respecter l'opinion d'autrui, et ne craint pas d'avoir recours à la corruption quand elle ne peut arriver à son but par la persuasion. On aurait beau affecter dans la pratique tous les ménagements que les missionnaires ont trop oubliés, un pareil système n'en serait pas moins la négation du principe de la liberté religieuse, car il porte atteinte, par son existence même, à cette liberté chez les autres et à ce respect des convictions d'autrui sans lequel la tolérance religieuse ne serait qu'une vaine formule.

Je ne crois pas devoir insister, M. l'Ambassadeur, sur les conséquences politiques de ce système. Lord Russell a confirmé la nécessité où se trouve tout Pouvoir d'assurer le respect pour lui-même et pour la religion établie du pays ; et sa Seigneurie ne contestera pas la gravité que la propagande religieuse emprunte particulièrement aux circonstances en Turquie, et la circonspection que le Gouvernement Impérial doit apporter dans toutes les questions qui seraient de nature à soulever les passions religieuses, et à armer les races les unes contre les autres. Le Gouvernement de Sa Majesté Britannique, qui n'a oublié ni les désordres religieux qui ont tour à tour ensanglanté toutes les parties de l'Europe, ni la réserve qu'il a lui-même imposée aux missionnaires Protestants dans les Indes, voudra bien apprécier le respect dû aux croyances de toute une population, et le danger qu'il y aurait à les blesser.

Aucun Gouvernement de l'Europe n'a, d'ailleurs, sanctionné le principe de la propagande religieuse en Angleterre, en Prusse, en Autriche : partout la propagande est soumise à la surveillance des autorités ; les Gouvernements les plus libéraux et les plus tolérants se sont réservés la faculté de sévir contre elle, toutes les fois qu'elle menacerait la sécurité publique et les intérêts de la religion de l'état ; et la Grèce démocratique vient d'inscrire en tête de sa constitution la prohibition du prosélytisme et de toute autre intervention contraire à la religion dominante.

Mais les missionnaires, non contents de nous accuser d'intolérance, voudraient encore faire croire à une violation d'engagements solennellement contractés ; ils invoquent en leur faveur le Hatti-Humayoun et prétendent donner à leur entreprise la sanction de la légalité. Or, l'Article 6 de l'Hatti-Humayoun dit : "Vu que tous les cultes sont et seront librement pratiqués dans mes Etats, aucun sujet de mon Empire ne sera gêné dans l'exercice de la religion qu'il professe, et ne sera d'aucune manière inquiété à cet égard. Personne ne pourra être contraint de changer de religion."

Il serait vraiment difficile de tirer de ce texte si clair une interprétation de nature à justifier les prétentions des missionnaires. Le Gouvernement de Sa Majesté le Sultan a spontanément déclaré, par l'Article que je viens de citer, assurer à chaque communauté le libre exercice de son culte, à chaque individu la faculté de professer et de pratiquer sa religion sans entraves ; rien de plus. Toute autre interprétation ferait tomber dans d'étranges erreurs. Veut-on supposer que, tout en condamnant les persécutions religieuses, la Sublime Porte ait consenti à permettre l'offense et l'injure contre une croyance quelconque ? qu'en même temps qu'elle proclamait la liberté de tous les cultes non-Musulmans, elle leur ait donné des armes contre l'Islamisme ? qu'elle ait enfin détruit du même coup les garanties dont elle entourait la liberté des convictions religieuses ? On ne saurait insister un instant sur une hypothèse si peu fondée sans faire injure au bon sens de la Sublime Porte, et méconnaître le tact de l'éminent diplomate qui a plaidé auprès d'elle la cause de la liberté de conscience. Mais, si le moindre doute pouvait être élevé sur l'esprit du Hatti-Humayoun, les actes du Gouvernement de Sa Majesté la Reine suffiraient pour le dissiper. Votre Excellence n'ignore pas qu'un ordre du Conseil de la Reine, adressé à l'Ambassade Britannique à l'époque de la formation de la

haute Cour Consulaire, punit de l'amende, et même des travaux forcés, "tout sujet de la Reine qui se rendrait coupable de tourner en dérision ou d'insulter publiquement toute religion établie et professée en Turquie, ou qui commettrait volontairement tout acte tendant à attirer sur cette religion ou sur ses cérémonies, sur son culte ou ses pratiques, la haine, le ridicule ou le mépris."

Si le Gouvernement Impérial, mû par un esprit de modération dont l'opinion publique en Angleterre lui tiendra compte assurément, a toléré l'établissement des missionnaires en Turquie, il ne saurait reconnaître à aucun corps organisé le droit d'y exercer une propagande que repoussent les Gouvernements les plus civilisés, que répudient également la raison, l'esprit et la lettre du Hatti-Humayoun et les intérêts généraux de l'Empire; il ne saurait sacrifier au zèle de quelques missionnaires étrangers le repos de l'Empire. Personne ne conteste aux missionnaires la faculté d'exprimer, au même titre que toute autre personne, leurs opinions religieuses avec le respect dû à celle des autres; mais, pour tous les cas où cette expression prend un caractère de publicité propre à faire naître le scandale dans une partie de la population, à blesser la conscience publique, et à troubler la tranquillité du pays, le Gouvernement Impérial est obligé de se réserver le droit d'agir conformément aux lois en vigueur et aux intérêts publics qu'il a mission de sauvegarder.

J'ai tenu, M. l'Ambassadeur, à exposer sans réticences notre manière d'envisager une question que nous souffrions de voir obscurcir par des allégations inexactes ou intéressées, et à préciser les limites dans lesquelles nous croyons devoir réserver notre action.

Comme j'attache un haut prix à l'opinion publique en Angleterre, je crois devoir vous inviter à faire connaître à son Excellence Lord Russell les observations qui précèdent, afin que sa Seigneurie soit à même d'en faire apprécier, au besoin, la justesse, et afin que la nation Britannique, après avoir entendu les deux parties, ne se laisse pas influencer par des accusations gratuites et d'injustes récriminations. Je crois devoir ajouter en terminant que la libre vente et la circulation de la Bible continuent et continueront toujours à être autorisées dans l'Empire.

Veillez, &c.
(Signé) AALI.

(Translation.)

M. l'Ambassadeur, *Sublime Porte, November 30, 1864.*

I HAVE received the two despatches addressed to me by your Excellency on the 27th of October and 3rd of November last, together with the account of the interview held by Lord Russell with a deputation of the Evangelical Alliance.

My former communications have made you acquainted with the conduct of certain Protestant missionaries, and the measures which the Sublime Porte was obliged to adopt. I now propose more particularly to enter upon the questions raised by the discussions which those measures have occasioned in England; and I feel sure that the same just and liberal appreciation, joined to the conciliatory spirit which I have been pleased to find in the language of the Principal Secretary of State of Her Britannic Majesty, will aid us in dispelling all doubts and in annihilating all calumnies. It is therefore with an unlimited confidence in the equity and friendly disposition of Her Britannic Majesty's Cabinet, and in the tried justice of the English nation, that I submit the following explanations to the enlightened judgment of his Lordship.

The Imperial Government has established, by the Hatti-Humayoun of 1856, the free exercise of all forms of worship existing in the Empire. The scrupulous accomplishment of this promise has been the more easy, since the diversity of religious elements united under its protection imposed upon it the obligation to watch indiscriminately over the safety of all religious interests, and to guarantee each creed against the aggression of the others, by giving to all an entire liberty in their legitimate manifestations.

The Sublime Porte has acted in this spirit with the greatest sincerity. Not only has it recognised the jurisdiction and spiritual hierarchy of the different non-Mussulman creeds, but it has admitted them all to the same honours enjoyed by the established religion, and has spontaneously conceded to them equal prerogatives. Every one is now free to profess his own religion, and to follow his own form of worship: no law forbids religious communities of all the Christian rites to enter Turkey; their members are not subjected to any restraint in the exercise of their spiritual ceremonies; all religious creeds erect their places of worship there, and enjoy full liberty, even in their

outward forms and in their public ceremonies ; and the sacred books of all religions are printed and published in different parts of the Empire.

We can therefore affirm that Christians of all sects and Israelites enjoy in Turkey rights which they would be happy to possess in most Christian countries of Europe. It would be useless to enumerate the restrictions imposed on liberty of conscience in other countries, perhaps without even excepting England itself, which in this respect is one of the most liberal nations, but whose Legislature still preserves some restrictions of this kind. Amongst these it will be sufficient to cite the severe penalties prescribed by a law in the reign of William III for those who by speaking, teaching, or writing, deny the truth of the Christian religion and the Divine authority of the Holy Scriptures.

I do not contest, M. l'Ambassadeur, that these restrictive enactments are in part modified in practice, but it is not the less true that the British Legislature has recognized their necessity. In making these observations I have no other intention whatever than that of requesting a little more indulgence towards us. If, indeed, the British Government, which is at the head of civilization, feels itself obliged in many cases to take account of the religious influence of a party, would it not be equitable to acknowledge that the Sublime Porte also could not but take into account the sentiments of her populations, and, above all, could not but seek to defend her religion within the limits of moderation and of justice against interested attacks ?

The Imperial Government, which has not admitted the free exercise of proselytism in favour of the religion of the State, cannot admit it in opposition to that religion. The principle of religious toleration cannot in our view be reconciled with open aggression against any religion whatever.

Lord Russell has stated repeatedly in his speech the difficulties which arise in the application of the principle which is in question. His Lordship declares that he cannot form a conception of the liberty of religious creeds without the freedom of recording in the ardour of conviction the arguments through which those creeds have been adopted. The noble Lord goes so far as to allow the attack in a private manner of a religion which is considered erroneous, but he sees offence in the act of publicly attacking and reproaching that religion.

Doubtless, the liberty of opinion leads to that of recording it. Nevertheless, we believe that it is forbidden to employ other methods than that of persuasion. So far this mode of making known religious convictions is, we consider, justified on the principle of liberty of opinion. But his Lordship, who condemns the aggressive expression of religious convictions when they are made in broad daylight, will not dispute that there is a great step between a spontaneous and tolerant manifestation of convictions and a systematic propagandism which makes use of powerful means and acts with the settled purpose of effecting the subversion of other religions ; which draws all its energy from the intolerance and the hatred of those religions ; which speculates not only on the ignorance of the masses and the weakness of faith, but even upon political views, and above all upon motives of interest ; which insults and reproaches instead of respecting the opinions of others, and fears not to have recourse to corruption when it cannot obtain its object by persuasion. It would be vain to affect in practice all the consideration which the missionaries have too much neglected. Such a system would be none the less the contradiction of the principle of religious liberty, for by its very existence it attacks that liberty in others, and that respect for the convictions of others, without which religious tolerance would be but an empty form.

I do not think it necessary, M. l'Ambassadeur, to insist upon the political consequences of this system. Lord Russell has established the necessity which presses upon every Power to insure respect for itself and for the established religion of the country ; and his Lordship will not dispute the gravity which religious propagandism acquires particularly from circumstances in Turkey, and the circumspection which the Imperial Government must use in all those questions which are of a nature to raise religious passions, and to arm one race against another. The Government of Her Britannic Majesty, which has not forgotten either the religious disorders which have by turns covered every part of Europe with blood, nor the reserve which it has itself imposed upon Protestant missionaries in India, will willingly appreciate the respect due to the creed of a whole population, and the danger which would result from outraging it.

No European Government, moreover, has sanctioned the principle of religious propagandism in England, in Prussia, in Austria. Everywhere propagandism is subjected to the supervision of the authorities ; the most liberal and the most tolerant Governments have reserved to themselves the power to condemn it whenever it threatens public security, and the interests of the religion of the State ; and democratic Greece has just inscribed at

the head of her Constitution the prohibition of proselytism and of every other intervention contrary to the dominant religion.

But the missionaries, not content with accusing us of intolerance, would wish further to impute a violation of engagements solemnly contracted; they invoke in their favour the Hatti-Houmayoun, and strive to give to their enterprise the sanction of legality. Now, the 6th Article of the Hatti-Houmayoun says, "Seeing that all creeds are and shall be freely exercised in my dominions, no subject of my empire shall be molested in the exercise of the religion which he professes, nor shall be in any way disturbed in that respect. No one shall be compelled to change his religion."

It would be truly difficult to draw from this text, which is so clear, an interpretation of a nature to justify the pretensions of the missionaries. The Government of His Majesty the Sultan has spontaneously declared by the Article I have just quoted, that there will be insured to each community the free exercise of its worship, to each individual the power to profess and practise his religion without impediment; nothing more. Every other interpretation would lead to strange errors. Can it be supposed that, whilst condemning religious persecutions, the Sublime Porte has consented to permit offence and insult to any creed whatever? that at the same time that she was proclaiming liberty to all non-Mussulman creeds, she had given them arms against Islamism? that she had, in fine, destroyed at the same stroke the guarantees with which she surrounded the liberty of religious conviction? No one could for a moment insist on so unfounded an hypothesis without insulting the good sense of the Sublime Porte and misapprehending the tact of the eminent diplomatist who pleaded with her the cause of liberty of conscience. But, if the least doubt could be raised as to the spirit of the Hatti-Humayoun, the acts of the Government of Her Majesty the Queen would be sufficient to dissipate them. Your Excellency is not unaware that an Order in Council of the Queen addressed to the British Embassy at the time of the formation of the High Consular Court punishes with fine, and even with hard labour, "every subject of the Queen who should render himself guilty of turning into derision or publicly insulting any religion established and professed in Turkey, or who should voluntarily commit any act tending to draw upon such religion or upon its ceremonies, upon its worship, or its practices, hatred, ridicule, or contempt."

If the Imperial Government, moved by a spirit of moderation, for which public opinion in England will assuredly give her credit, has tolerated the establishment of missionaries in Turkey, it could hardly recognize in any organized body the right of exercising a propagandism which the most civilized Governments reject, which reason, the spirit and the letter of the Hatti-Humayoun, and the general interests of the Empire, equally repudiate. It could not sacrifice to the zeal of certain foreign missionaries the tranquillity of the Empire. No one disputes the right of the missionaries to express, by the same title as every other person, their religious opinions with the respect due to those of others; but in every case where this expression assumes a character of publicity calculated to give rise to scandal in a part of the population, to wound the public conscience, and to disturb the tranquillity of the country, the Imperial Government is compelled to reserve to itself the right to act in conformity with the existing laws and with the public interests, which it is bound to protect.

It was my desire, M. l'Ambassadeur, to expose without concealment our opinion upon a question which we grieved to see obscured by inexact or interested allegations, and to define the limits within which we think it right to reserve our action.

As I attach a high value to public opinion in England, I think it my duty to request you to make known to his Excellency Lord Russell the foregoing observations, in order that his Lordship may be in a position, when necessary, to cause their justice to be recognized, and in order that the British nation, after having heard both parties, should not allow itself to be influenced by gratuitous accusations and unjust recriminations.

I think it my duty to add in conclusion, that the free sale and circulation of the Bible continues, and will always continue to be authorized in the Empire.

(Signed) AALI.

No. 81.

Earl Russell to Mr. Stuart.

Sir,

Foreign Office, January 21, 1865.

I SEND you a copy of a despatch of his Highness Aali Pasha to M. Musurus,* which M. Musurus has put into my hands.

* No. 80.

I gather from this despatch that the Sultan will observe inviolably the 6th Article of the Hatti-Humayoun of his late brother, which is in these terms :—

“Seeing that all religions are and will be freely practised in my States, no subject in my Empire will be troubled in the exercise of the religion he professes, or be in any manner disturbed on this account. No one will be compelled to change his religion.”

I understand further, from the termination of the despatch, that the free sale and circulation of the Bible continue and will continue to be authorised in the Turkish Empire.

If these two declarations are maintained and acted upon, I am quite willing to close the controversy.

I have no desire to impugn the general spirit of toleration which animates the Sublime Porte; nor do I feel at all called upon to defend the laws and Government of the British Empire on the score of religious liberty.

I request you to give a copy of this despatch to his Highness Aali Pasha.

I am, &c.

(Signed) RUSSELL.

No. 82.

Sir H. Bulwer to Earl Russell.—(Received January 21.)

My Lord,

Cairo, January 8, 1865.

YOUR Lordship is aware of the severe illness I have lately been suffering from at the Piræus. When sufficiently convalescent to attend to business I was given your Lordship's despatch of the 17th November, inclosing Mr. Washburn's letter of the 13th October last. This, however, was at the moment of my departure, and when I was still too weak to undertake the reply which I now forward.

It would be very difficult for me to continue a controversial correspondence with so many members of the missionary body, nor is it, indeed, necessary to do so; for almost every allegation that has been made, or continues to be made, is already contravened by documents in your Lordship's possession.

Nevertheless, I have deemed it desirable, at the risk of being tedious, to go through Mr. Washburn's somewhat voluminous paper, answering, I believe, every statement which is brought forward in a shape sufficiently clear and tangible to admit of a reply.

The first charge that Mr. Washburn makes is, that I knew of the proceedings which the Turkish Government adopted on the 17th and 18th July, and that, in fact, the Turkish Government adopted them by my counsel.

In support of this monstrous supposition he says that on the 18th July one of the highest officers of Her Majesty's Embassy stated, in reference to what transpired on the 17th and 18th, that I “had known all about it for a week,” which, he says, was afterwards fully corroborated by another member of the Embassy.

He adds, that on Friday the 29th a high officer of the Turkish Government, intimately associated with the Grand Vizier, stated to Dr. Serapyan, a friend of his (Mr. Washburn's) that, before taking the steps taken on the 17th and 18th, the Grand Vizier had fully consulted Sir Henry Bulwer, and had taken such steps in accordance with his advice.

With respect to the gentlemen of the Embassy, I cannot learn that any had communication with the missionaries, except Mr. Hughes.

On the evening of the 17th, I think, or the morning of the 18th July, I wrote, being at some little distance from town, a letter to Mr. Curtis, and sent it to the Embassy to be copied and forwarded. To this letter further allusion will presently be made. Mr. Hughes says that he believes he did speak to some missionary about the contents of this letter, in which, as will be seen, there is no allusion to any measures to be taken by the Government, but simply to that excitement amongst the Mussulmans which the missionaries would not believe.

If, therefore, by the expression, “Sir Henry Bulwer knew all about it,” Mr. Washburn means that I knew all about the Government measures, Mr. Hughes never did and never could have made this declaration, for which he had no grounds, and which would have been a positive and gratuitous untruth.

In regard to the statement that some Turk of high consideration had told

Dr. Serapyan that Fuad Pasha had declared he had consulted me and taken my advice, I ordered Mr. Pisani to call on both Aali and Fuad Pashas, and ask if they ever made this statement.

"These Ministers," says Mr. Pisani in his report, which I have just received, "asseverate that they had no previous communication with you, nor taken your Excellency's advice in the matter, but acted entirely on their own impulse, as the individuals concerned were subjects of the Porte. They concluded by saying that they have no hesitation in declaring officially that what was said is a gratuitous statement devoid of truth."

Dr. Serapyan, on being asked for his authority, gave a certain Saib Bey, one of the clerks in the Grand Vizier's office; but Saib Bey declared in Mr. Pisani's and the Grand Vizier's presence that he is prepared to give the most unqualified denial to Dr. Serapyan's assertion.

The whole of this ridiculous story finds, indeed, a sufficient and complete contradiction, not only in the quotation just given from Mr. Pisani's recent report, but in my original correspondence with Aali Pasha, in which I charge the Turkish Government with having acted without communicating with me, a charge which his Highness admits, but excuses on account of the pressure of circumstances. Mr. Washburn, however, quotes the letter to Mr. Curtis I have just been alluding to, in which letter I say that I had heard three or four days before, through the Minister of Police, that a strong feeling was beginning to be excited among the Mussulman population; that this might be productive of danger, and I recommend great caution.

Taking this letter as he, Mr. Washburn, gives it, there is nothing which tends in the slightest degree to show that I was acquainted with any Government measure that was preparing; it is, therefore, of no use in substantiating the charge which he prefers; but I am forced to observe that Mr. Washburn, in referring to it, makes an assertion which is wholly inconsistent with fact, viz., that I subsequently withdrew it, and that for this reason the names of the gentlemen of the Embassy, of whom Mr. Washburn has previously spoken, are not brought forward.

Now this withdrawal, I repeat, never took place. I never withdrew my letter to Mr. Curtis, nor any letter whatsoever written to any one else.

When however the Porte took suddenly, and, as I have said, without consulting me, certain measures, some of which (such as preventing controversial lectures and the distribution of controversial books in the khans) I should not have opposed; others (such as shutting up the Bible shop) which I should not have permitted; and others (such as the arrest of the eight or nine reputed converts) which I could not have prevented, but of which, as far as my personal opinion is concerned, I disapproved; I thought it right and necessary to inform Mr. Curtis of the exact nature of the advice I had received from the Minister of Police—advice to which, as I have said, my previous letter had alluded, in order to prevent misconception as to what it really was; and I will again explain here what I explained at the time to the reverend gentleman with whom I was in correspondence.

When the troubles with the missionaries began I was staying at Prinkipo, one of the summer residences near Constantinople, to which persons at that season usually resort. There was nothing particular doing at the Porte. I had not seen Fuad or Aali Pashas for some little time, nor had they communicated to me anything about the missionaries, or matters connected with them.

One evening my doctor (I had been suffering from a severe attack of influenza), who was also the doctor of the Minister of Police, came to visit me at the place where I was residing, and said that that Minister was in trouble or tribulation, on account of the conduct of the missionaries, and the excitement this conduct occasioned. I will not be certain that he said he told me this by desire of the Minister, but I think he did, and at all events it was said in a manner that made me consider it as a sort of message; but the doctor, whilst speaking of converts preaching against the Mussulman religion, and missionaries distributing hostile tracts, &c., could give no detail clearly as to the individuals to be blamed, or as to the precise nature of their books, lectures, or proceedings. Moreover, I knew how little I should influence the missionaries unless I was able to speak clearly as to facts; I therefore told my informant that if I was to take any steps in the matter, I must have a clear and correct statement as to what was complained of, and he said he would make this report.

Not, however, getting any further detailed information through the source to which I have been referring, and hearing disagreeable accounts from other quarters,

I deemed it better a day or two afterwards (I spoke loosely and incorrectly when I said in my note three or four days) to write to Mr. Curtis in the sense I have described; and perhaps I laid more stress, considering its nature, on the information I had received from the Police Minister than it deserved; my object thereby being to induce caution and persuade the missionaries of that irritation they would not credit. Although not having heard anything more, directly or indirectly, from the Police Minister, and not having received any communication of any kind from the Porte, I certainly did not think things were yet in that state which menaced immediate interference on the part of the authorities.

A proper representation ought undoubtedly to have been made to me, and time allowed for trying its effect on the missionary body. This would have put the Turkish Government in a different position; but, practically, I fear the result would have been nearly the same, for we have seen that the missionaries would have contended they had a right to follow the course which the Porte would have requested them not to follow, and they would have attacked me then, just as they have done since, if I had not maintained them in practices such as their controversial lectures and circulation of controversial books in the public khans, both of which practices I should at that moment have strongly advised them to desist from.

The second charge is my not having done anything for the Bible shop closed on the 18th, re-affirming that all that was done was done by the American Chargé d'Affaires.

It is, however, very difficult to understand the coherence of Mr. Washburn's statements or the logic of his reasoning on this subject.

He now admits that he has just heard that the Embassy made some representation on the 19th. He then states that he was admitted into the Bible shop on the 20th, leaving it to be inferred that the opening of the shop in Mr. Brown's presence was on that day. He then quotes a letter of mine to Mr. Sellar, dated the 20th, in which I say I had already taken the necessary steps in the matter. He then, after having admitted my intervention on the 19th, which the letter just quoted confirms, seems to imply that I could not have interfered, for I did not know, when I wrote that letter, that the Bible shop was opened.

He finally cites the "Levant Herald," which he gives as my organ, and then quotes against myself, and does not see that this authority directly contradicts one of his previous declarations.

I cannot say that any step was taken by me on the 18th, because, not being on the spot, I do not remember now when I heard of what had occurred at Constantinople. But, supposing my intervention to have been on the 19th (and directly the news of what had taken place reached me I addressed myself to Aali Pasha)—supposing, I say, that my first reclamations did not reach the Porte till the 19th, the natural conclusion to form, if the Bible-room was open the 20th, would be that it had been opened in consequence of such reclamations; nor would it be extraordinary, since I was out of town, that I should not know at the early hour of 8 on the 20th (the hour at which the post left Prinkipo) what had occurred on the 19th. But the most remarkable fact is, that the "Levant Herald," which is no organ of mine, and which, if it were, could not be an authority of mine, when it stated anything that I contradicted, says that the Bible-store was opened not on Wednesday, the 20th, but on Thursday, the 21st; and a letter in my possession from Mr. Brown leads positively to the same conclusion.

What, then, if this conclusion be correct, as I believe it is, becomes of the whole of Mr. Washburn's antecedent argument and facts, and of the inference which he draws from my not knowing on the 20th of a circumstance that occurred on the 21st?

I am surprised, indeed, that Mr. Washburn, after ascertaining that the Embassy had addressed itself to the Porte on the 19th, knowing as he did, and as of course I know, that the American store is within the premises hired by an Englishman, should not have seen that it would have been impossible for the Turkish Government to have passed by the application of the English Ambassador for the opening of the external building, and allowed the opening of an internal room in that building at the request of the American Chargé d'Affaires.

The mere supposition is preposterous. But what settles this question is that, on hearing of the pretension that everything had been done by my American colleague, I applied to Aali Pasha on the subject, and he wrote to me a letter from which I will quote the following passage:—

"Mr. Pisani vient de m'apprendre que Mr. Sellar a prétendu que les boutiques

Anglaises, où se vend la Bible, ont été ouvertes sur la demande de la Légation des Etats Unis.

“Tel n'est pas le cas. En donnant l'ordre d'ouvrir les boutiques Américaines, j'ai également donné l'ordre, d'après le demande de votre Excellence, d'ouvrir les boutiques Anglaises, et de remettre l'établissement, où toutes les boutiques étaient situées, à qui de droit.”

As I furnished Mr. Sellar with a copy of that letter, I did hope that a calumny which might in the first instance have been unintentional would not have been repeated.

I will now endeavour to deal with such other portions of Mr. Washburn's letter as are not too vague or confused to require notice.

“If my information is correct, and I have it from a good authority,” observes Mr. Washburn, “Sir Henry himself stated that Fuad Pasha declared to him that he did not and could not consider himself bound by a strict interpretation of the *Hat-Humayoum*.”

Now, really is it necessary for me to say that the “good authority” of Mr. Washburn is in this instance, as in other instances I have had to refer to, utterly unreliable.

The fact is, that every absurd story is circulated at Pera in times of excitement, always of course on what is called “good authority,” and serious persons, like Mr. Washburn, should be especially on their guard against such tale-bearers, or they get involved, as Mr. Washburn has been in a certain degree, in statements which it is not honourable for them to countenance or circulate.

Let me, indeed, enumerate the successive points I have already disposed of.

First, that I knew of the Turkish Government's measures before they were adopted. This is refuted by the Turkish Ministers personally, and by my correspondence with them.

Secondly, that functionaries of the Embassy stated this as a fact, as also did the Grand Vizier.

The Grand Vizier contradicts this officially, and there seems no foundation for charging any members of the Embassy with being guilty of so improbable an accusation.

Thirdly, that I wrote a letter to Mr. Curtis, and then withdrew that letter. This, as I have said, is a complete mis-statement. The explanation I gave of my letter was in no wise a withdrawal.

Fourthly, that I had taken no heed of the closing of the Bible shop. This accusation, now in a certain degree modified by Mr. Washburn himself, is entirely set at rest by the letter from Aali Pasha quoted above, a copy of which is in Mr. Sellar's possession.

Fifthly, that Fuad Pasha had told me, and that I had declared that the Turkish Government could not consider itself bound by a strict interpretation of the *Hatti-Humayoum*.

Fuad Pasha never said a word to me in this sense, and I never said a word like it to any one.

I will now add to what I have already written on other subjects, something as to the case of the individuals arrested.

Mr. Washburn says that with regard to one or more I promised deliverance in three or four days, and that only those had been then set free (he is writing on the 13th October) who had changed their religion, and that the rest were exiled.

I never promised that any individuals should be set free in three or four days.

When I said that in general they would not be kept long in prison, I said so, not on my own authority, but as repeating the words of the Ottoman Government; and, moreover, I begged the missionaries, in order to effect this object, to do their best to allay the spirit of mutual recrimination which was keeping up an excitement that, for the sake of the prisoners, it was necessary to tranquillize; a request which I can hardly say was complied with.

Furthermore, I heard from Aali Pasha on the 5th October (eight days before the 13th) that all who had been confined at Constantinople were set at liberty, and that the two sent to Smyrna were free there, which, if exact, redeemed in a certain degree the pledges of the Porte, though I should certainly have been more contented had they been redeemed earlier.

It would appear, however, that in regard to a certain Achmet, to whom Mr. Washburn makes particular allusion, there must have been some exception, for I have since learnt he was sent to Adrianople, and I do not know whether he

left Constantinople when those imprisoned there were enlarged; but at all events, as what occurred concerning him took place when I was no longer in the Turkish empire, I cannot be answerable on that account.

Lastly, as to re-conversions I have heard nothing.

Two out of the nine originally taken up declared from the first that they were Mussulmans; it would seem, from what Mr. Washburn says, that three or four more have since reverted to their first belief. I cannot speak about this, for I know and have heard nothing except through the letters of the missionaries. But if such re-conversion has really taken place, much will depend on the manner in which it was brought about. The men in question were of a low class; they received, if I am not mistaken, a salary in some shape or other from the Missionary Societies. Such a salary may possibly have been one of the inducements to their original change; the idea that they would be considered as Englishmen if they became Protestants may also have in some degree operated on them, as the idea they would become French if they became Catholics operated on the Cretans two or three years ago.

On finding that though Protestants they were still Ottoman subjects such men might, on being offered the same salary as Mussulmans that they had obtained on becoming Christians, have turned back to Mahometanism without any great effort to convince them of their errors.

But if threats or violence were used, there is the strongest ground for remonstrance; only we should not make these accusations without adequate proof.

The missionaries first said these men were tempted; they could only have heard this from the men themselves. It is now said they all yielded to temptation. What faith, if this be true, can be placed in the mere word of such double apostates, who were, perhaps, during all the time playing a part, and merely seeing out of whom they could get the most?

Leaving this question, however, with which, as I have said, I have nothing to do, and concerning which I do not attempt to decide, I have again to speak of what Mr. Washburn thinks proper to say as to myself.

He confesses that the Representatives of various Protestant Powers attempted to procure the liberation of the prisoners, and could effect nothing, and then, as a curious sequel, infers that I could have succeeded where they failed.

I will now state, in more detail perhaps than I have hitherto done, what are the real facts concerning my conduct and the men placed in confinement; and it will be seen how totally at variance are the real facts with all Mr. Washburn's assumptions and conclusions.

One of my early instructions to Mr. Pisani, on hearing that a certain number of persons were taken up, and about to be punished and exiled, for having changed their religion (this was the first report made to me), is as follows: "I must receive satisfaction for the forcible entry into the shop. The Bible must still be allowed to be sold; books of controversy may be prohibited. Preaching in public places may be prevented; the Protestant worship in churches and dwelling-houses must be allowed. The converts must not be exiled or punished, but released."

Shortly afterwards I went myself to the Grand Vizier, and asked him what these arrests meant, repeating what I had written to the head Dragoman, and adding that if the measures that had been adopted were to be taken as the commencement of a new system of religious intolerance, I not only protested against it, but declared at once that it should not and could not take place while I was Ambassador at Constantinople, and that I would sooner at once demand my passports than stay to witness it.

The substance of the Turkish Minister's reply was this:—

"The men in question are not arrested as converts. The proof of this may be found in other converts of more note being left free. My wish is not to encourage a new system of fanaticism and religious persecution, but to prevent it, by stopping that excitement which might lead to such extremes. My whole life should be taken as some testimony in my favour. The people in question, I repeat, are not arrested as converts; in fact, I do not know at this moment whether they are converts. They are arrested because they may either be murdered or provoke quarrels and tumults that would lead to murder, and perhaps something more.

"I am answerable for the tranquillity of this capital, and the lives of those in it, and if I cannot, even when the matter concerns the subjects of the Sultan, take

such police measures as I deem necessary, I cannot fill my place properly, and will not hold it an hour.

"The individuals in question, moreover, are already sent into the provinces."

I knew that the order had been given to ship the prisoners for different places in Asia, and that the vessel was ready to take them, but I had heard that it had not sailed, and whilst with Fuad Pasha I got this information confirmed.

I told the Grand Vizier, therefore, that the persons in question had not yet been sent away, and that I trusted he would not send them away until we met again the next day with Aali Pasha, when, as we had both been perhaps a little more animated than usual, we might again discuss the affair.

This he agreed to; and having considered in the meantime that I was not in a position to demand the prisoners' instant release, or take on myself the responsibilities involved in doing so, I did not deem it advisable to repulse the following propositions:—

1st. That the nine prisoners should not be sent off abruptly to places I was unacquainted with.

2ndly. That the greater portion should be temporarily detained at Constantinople until the present excitement should subside, and that then they should be released.

3rdly. That the one or two whom it was held necessary to remove should be sent to some place where one of our Consuls resided, and where they would be, as it were, under the public eye.

It was, moreover, promised me that those sent into the provinces should be free, and that those remaining in detention at Constantinople should be treated with the greatest care and liberated without any great delay.

I have only to add that I attended scrupulously to this latter point, receiving reports daily as to the prisoners' treatment.

They were not confined, as has been reported, with other prisoners; they had a large room in the hospital part of the prison assigned exclusively to them; their food and clothing were looked to; and when the missionaries stated the reverse, I sent a gentleman of the Embassy unexpectedly to the prison to ascertain the facts, and his report forwarded to your Lordship was most satisfactory.

So, when I heard that access was refused to the prisoners I inquired into this accusation, and I found that in one instance, at all events, this had been the case; but on examining the persons who had been refused admittance, I found that the first time they went to the prison they were allowed to see the prisoners, but that one of them had infringed the rules of the prison by giving money, if I remember rightly, to one of the prisoners, or by some other act of that kind, and this person, who, I understand, was not a person of very good character, having himself been at one time in the prison for some delinquency, was on his second appearance at the gate sent away rudely.

But the Police Minister assured me that respectable parties coming at the proper regulation hours, and observing the ordinary police rules, would be freely admitted, and this promise was henceforth rigidly kept, as our Chaplain the Rev. Mr. Gribble, who was one of the visitors, can, I believe, testify.

I do not think it necessary to make any remark on the partial quotations Mr. Washburn makes from letters or papers I may have written. I believe that any one of those letters or papers, taken in its entirety, will contradict the assertions he attempts to derive from them.

Neither do I think it necessary to notice his declarations, unsubstantiated by any sort of proof, of negligence or indifference on the part of the Embassy to complaints made to it; a charge perfectly false as far as I am personally concerned, and equally so, I believe, with respect to Mr. Erskine and Mr. Stuart during my absence.

The only observation, indeed, bearing upon this subject throughout the whole of Mr. Washburn's paper which I think likely to be correct, is that the missionaries have not been so warmly assisted in their labours during the last three years by the Mussulman authorities as formerly. But the explanation of this is given, when I observe that formerly the missionaries directed their principal efforts to converting Greeks and Armenians, whilst they have lately been directing their attention principally to the conversion of Turks.

It is easy to conceive that a Mussulman Government will look at the first conversions in a very different manner from the second, but it would be absurd to

make Her Majesty's Embassy responsible for a fact which is evidently produced by causes with which Her Majesty's Embassy have nothing to do.

Moreover, though the Mussulman Government of the Porte has no doubt viewed the assaults upon its own Church with less apathy or carelessness than it did those upon the Latin and Greek Churches, can it be said that up to the 18th July there was less toleration shown towards Mussulman converts than at any former period?

Mr. Washburn, indeed, quotes as a proof of earlier toleration the following story:—"In one instance six years ago," says he, "an officer sent by Aali Pasha visited the house of an American missionary in Bebek, examined a Turk and his wife to see if any force had been used in their conversion to Christianity, declared himself perfectly satisfied, and assured them officially that they had as good a right to become Christians as a Christian had to become a Mussulman."

But within the last two or three years not only did we see Mussulmans changing their religion quietly without incurring punishment; we saw them doing this ostentatiously, assuming holy orders in our own Church, and publicly preaching as Protestant priests.

In fact, every one speaking impartially can say that never at any period have the missionaries acted so boldly, or gone so far without let or hindrance, as they had when, in an unlucky moment, they began their lectures in the khans, and Mr. Pfander set into circulation, contrary to my advice and warning, his attack on the Mahomedan religion.

In fact, the degree of latitude which the missionaries, perhaps unexpectedly to themselves, found that in recent years they were allowed, caused a degree of rashness and disregard of consequences which finally attracted attention, and led to those proceedings on the part of the Turkish Government which I think were as much to be regretted on the one side, as the proceedings which called them forth on the part of certain missionaries were on the other.

I come now, finally, to the most important matter in debate, viz., whether the missionaries' rights are being violated, and whether the Ambassador is taking the steps which he ought to take to prevent their violation.

Now, what in reality are the rights referred to? and what in reality ought the Ambassador to have done that he did not do to protect them?

To talk vaguely on these subjects is easy. Let them be brought to a point.

The rights of the missionaries rest principally on a verbal promise made by the Sultan Abdul Medjid to Lord Stratford de Redcliffe, that no one should lose his life, or be in any way persecuted, on account of his religion; and the provisions of the Hat-Humayoum, which is not, as some people suppose, a Treaty between Turkey and foreign Powers, but a decree of the Sultan for the government of his own subjects.

What do its prescriptions amount to?

"Vu que tous les cultes sont et seront librement pratiqués dans mes Etats, aucun sujet de mon Empire ne sera gêné dans l'exercice de la religion qu'il professe, et ne sera d'aucune manière inquiété à cet égard. Personne ne pourra être contrainte à changer de religion."

These are the words of the Hat-Humayoum. They say with perfect clearness that no one shall be persecuted on account of his own faith; but they say nothing, as far as I can see, that admits of public assaults, whether by speech or writing, against the national religion.

As to the Treaty of 1856, we can get little from that. The only Article in it relating to this subject runs thus:—

"Sa Majesté Impériale le Sultan, dans sa constante sollicitude pour le bien-être de ses sujets, ayant octroyé un firman qui, en améliorant leur sort sans distinction de religion ni de race, consacre ses généreuses intentions envers les populations Chrétiennes de son empire, et, voulant donner un nouveau témoignage de ses sentiments à cet égard, a résolu de communiquer aux Puissances Contractantes le dit firman, spontanément émané de sa volonté.

"Les Puissances Contractantes constatent la haute valeur de cette communication. Il est bien entendu qu'elle ne saurait, en aucun cas, donner le droit aux dites Puissances de s'immiscer, soit collectivement, soit séparément, dans les rapports de Sa Majesté le Sultan avec ses sujets, ni dans l'administration intérieure de son Empire."

For my own part, I think it may be said reasonably that, in allowing persons

to change their religion, you admit that they may acquire the knowledge of a religion they do not profess, and that this, in a certain degree, sanctions proselytism.

In the same manner I hold that the Treaty of 1856 does not prohibit us from remonstrance, if the principle of every one being allowed to change his own religion is interfered with; nay, I consider the promise on which this principle rests to have been so solemnly and publicly made in the face of Europe that England would be perfectly justified in menacing an Ottoman Sovereign who violated it with a total change of her policy towards Turkey. But though England can do this, she cannot, if that Treaty is of any value, interfere officially and forcibly, in individual cases, in the internal affairs of Turkey, nor release Ottoman subjects from the jurisdiction of their legitimate authority.

Such are my own opinions as to the Hat-Humayoum and the Treaty of 1856, and the position they created for us; but at all events let these two documents be laid before the Law Officers of the Crown, and their opinion asked as to the rights derived from them.

Whatever those rights are, let us stand up for them firmly, but let us have proper authority for what we are about, and not confound things we are justified in exacting with things which it may be desirable by more conciliatory methods to obtain.

In the meantime, let me now ask what do the missionaries contend that they ought to do, and what do they accuse me of not having done? Do they hold that they have a right to preach where and what they please, and to distribute books of controversy without control?

Do they hold that the Government of the country has no right to interfere with this; that if it says, "Stop! you will produce tumult and bloodshed," the missionaries are entitled to say, "We do not think so, and we shall go on;" and that they are then to call on Her Majesty's Ambassador to adopt and support their convictions?

Do they think, if the Ottoman Government takes up some of its own subjects, who happen to be Christians, or well-disposed to Christianity, declaring that it does not do so on account of religion, and justifying this assertion by leaving converts generally at liberty, that the Ambassador, though he may disapprove of and remonstrate against the measure, can come forward, deny the truth of the statement of the Ottoman Government, affirm that the persons in question are arrested on religious grounds, and insist, with the Treaty of 1856 in his hands, on their release?

To speak more plainly,—do they now affirm, as they did affirm at the time, that I ought to have kept the rooms in the khans open; that I ought to have insisted on the preaching, and distributing of books of controversy therein; that I ought to have said that I should believe in no stories of danger till a few missionaries and converts had met their death, and that scenes of riot and confusion had commenced?

If such is the missionary doctrine, I differ from it; but if, on the contrary, all the missionaries require is to proceed quietly and unostentatiously in demonstrating the doctrines of the Christian faith to those who desire to learn them; and to be protected, and to have their disciples protected, by every exertion which I am justified in making, we are perfectly agreed in principle; and if they judge me fairly, they shall never have any cause to complain in practice.

Indeed, although I think that the missionaries would find that, if the documents they cite were examined by any impartial jurisconsult, he would give to these documents a far more limited signification than they (the missionaries) imagine; yet, if asked as a friend of the Ottoman Empire what course with respect to Protestant missionaries I would advise the Porte to pursue, I would say earnestly, and emphatically, and at once, "the most large, the most conciliatory;" I would allow, in a word, the Protestant missionary every latitude which did not extend to disturbing the public tranquillity. In the first place, the principle of religious liberty is a civilizing principle; in the next place, by no other means could the Ottoman Government engage so large, so influential, so active and intelligent a body of men to take an interest in its maintenance.

Nor is this all; the good which the missionaries may do in a quiet and daily manner, as pious and intelligent men, mixing with all classes and sects in the Ottoman dominions, might be and is very great, and tending to improve the social as well as moral condition of the people. This body of persons, therefore, is under

a complete mistake if it says or fancies I am hostile to it. The missionaries cannot have a more sincere friend; but I do not think their cause is a gainer by their proceeding with violence, either in making their demands, or carrying on their duties.

By claiming as a right what is not clearly and positively a right, you indispose people to grant it to you as a favour; by testifying an abrupt forgetfulness of all benefits previously received, in order to rush into a violent quarrel on account of the first disinclination to grant new requests or pretensions, you adopt the surest mode of converting those feelings, from which you have hitherto derived advantages, into feelings from which, some day or other, you will reap evil.

I am not myself for ever pursuing either of these courses; still less can I contend, in the age in which we live, that people of one country and one religion should have the right to go into another country, the people of which profess another religion, and insist upon the Government of that country allowing them to create riot, bloodshed, insurrection, and massacre by the inconsiderate, violent, and injudicious propagation of their opinions.

The most ordinary notions of reciprocity should teach us that when a State grants us certain peculiar privileges, we should do our utmost to exercise them in a manner that leaves the tranquillity of that State undisturbed.

I would say to the Porte, "Be careful in maintaining that reputation for liberality and toleration which up to this period you have justly acquired; be cautious that you do not hastily, even if unintentionally, deviate from a policy so honourable and so useful, as that you have hitherto shown a disposition to pursue, and be certain that by such deviation you will forfeit the good opinion of the English nation, and the protection and friendship of the English Government."

On the other hand, though I would not say to those who devote themselves to the spread of our faith, "Stop altogether in your endeavours; trust entirely to the progress of general liberty, civilization, and commerce;" I would say to them, "Do nothing to excite those bad passions of angry strife and overbearing controversy which are not only the enemies of liberty, civilization, and commerce, your most powerful allies, but also of real and sound Christianity, which is seen in its greatest purity where it is most combined with love and charity."

Indeed, I would go even so far as to add that where the spirit of contention is present the spirit of true Christianity is absent, and that the more the conduct and language of the propagators of the Gospel are mild and moderate, the better and truer idea they will give of its precepts.

To conclude, I trust that what has occurred will be a lesson to both sides, and instead of preventing tend rather to increase that cordial understanding which I shall only be too happy to promote.

I have, &c.

(Signed) HENRY L. BULWER.

P.S.—I need not say that I write under some disadvantages, not having near me many of those documents and persons to whom I could otherwise refer. The main facts I have had to deal with are so clearly established that even if I have fallen into any casual error on minor points, which I do not think likely, this would not be of any real importance.

H. L. B.

No. 83.

Sir H. Bulwer to Earl Russell.—(Received January 21.)

My Lord,

Cairo, January 8, 1865.

IN acknowledging the receipt of your Lordship's despatch of the 17th ultimo, inclosing copies of the Archbishop of Canterbury's communication to your Lordship, and of your Lordship's reply relative to the recent transactions at Constantinople concerning the missionaries, I feel myself bound in duty to observe that his Grace appears to have received reports somewhat coloured with that exaggeration which usually takes place under excitement.

For instance, the first case brought forward is "that an English missionary of the society was seized by an armed officer of the police at the door of his own hired meeting-room without any previous warning, or any charge made against him."

Now what really occurred? The Bible shop at Constantinople was closed on the 11th July, and a sentinel of the police put at the door, with orders that no one should be allowed to enter.

Here was an improper administrative act of the Turkish Government. But the sentry being at the door of the premises, Mr. Curtis comes there and wishes to enter, and advances towards the door. Mr. Curtis says that the sentry seized his wrist; this the sentinel denies, and says he merely pushed Mr. Curtis back. At all events, the violence here was the rather natural result of a particular position; it had nothing to do with intended violence towards a missionary. A sentinel defends his post, which he thought attacked, as he would do in any country under any circumstances and against any person. Moreover, a crowd collecting, and Mr. Curtis persisting for some time to remain at the door of the Bible room, the police officer orders him a chair to keep him clear from the mob, and sends to know what he is to do; and the answer of the Police Minister is to leave the gentleman quiet and protect him from insult, and let him go when he pleases or remain as long as he likes.

I can speak about this case, because I not only heard about it from Mr. Curtis, but I went myself to the Ministry of Police, and had all the parties examined in my presence.

The second charge is "that a Turkish missionary of the Society, on his way to the school chapel at Pera, was seized and violently dragged through the main street amid the insults of the crowd, and then taken to prison, though almost immediately afterwards released."

Well, what really happened here? According to the ordinary police regulations, you may tell the police to take such or such a person to the police-station; you have a charge against him; the police must do as they are told, and you must appear to maintain the charge. In this manner a passer-by gave Mr. Williams, a converted Turk, into custody; he was conducted to the police-station as any one else would have been, quietly and peaceably. There may have been the ordinary crowd usual on such occasions, but there was no peculiar violence or insult. Arrived at the police-station, the individual who had required the arrest contrived to withdraw himself.

Mr. Williams was not taken to any prison; he was kept for about half-an-hour at the police-office; and directly the head officer saw him and inquired into the case, he ordered his immediate release with apologies.

I heard this from Mr. Williams himself, who said he had no complaint to make as to his treatment.

I should say that before inquiring minutely into the circumstances, I had formed the same opinion as that expressed by the Archbishop on the two above-mentioned cases.

The third charge is "that converts who never preached were arrested and imprisoned with common criminals; that access to them was refused; that one at least was daily urged by the gaolers to renounce Christianity, and promised freedom on condition of retractation."

Here again there are two assertions which are far from being correct; as to the third I know nothing.

The convicts were not imprisoned with common criminals. They were kept in the hospital part of the prison, in an excellent apartment, entirely by themselves, and in no way mixed with criminals.

Admittance was not refused to them as a general rule; on one occasion it was, and I inquired the reason. The persons sent, not of the best character and known in the prison, were admitted the first time, but having infringed the rules they were sent back on again presenting themselves.

Ever after that time, which was at the commencement of their confinement, all respectable persons coming at the proper hours and observing the prison rules were free to see the prisoners.

Mr. Gribble, our clergyman, knows all about this and the steps I took on the subject.

The fourth charge is that the Bible-shop was improperly closed.

We know this; the Turkish Government admitted and apologised for it.

As to imprisoning a Mussulman boy for six hours because he attended the Protestant service, or the charge of imprisoning a Mahomedan adult for five days for the same offence, or the expulsion of a Mahomedan family from their homes because they lived under the roof of one of the converts, it is the first time I have

heard of these accusations; and I should wish to be able to examine the relation given of them before I pass any opinion.

His Grace the Archbishop will, I am sure, be glad to hear from the explanations I have given as to the other cases that matters were never quite so bad as they were represented to him.

There is another point, moreover, on which I think the Archbishop would be willing to be more precisely informed.

He speaks of the Treaty of 1856 (by which, he says, full toleration was accorded to all classes in Turkey) as having been openly violated. Many people talk of the *Hat-Humayoun* as a Treaty.

I do not know whether the Archbishop, who has many other calls on his attention, fell into this error; however, I will just observe that the *Hatti-humayoun* is not a Treaty between the Porte and foreign Powers, but a simple decree of the Sultan to his own subjects; whilst as to the Treaty of 1856, of a contemporaneous date, the only passage in it which affects this subject is a restrictive one as to foreign interference in religious cases.

I do not go further here into this subject because it is fully treated in my despatch to your Lordship No. 3 of this day's date; but his Grace will, I am sure, with that sagacity which distinguishes him, see, when he is fully acquainted with and has fully considered all the circumstances, that the case we have had to deal with was rather a more delicate and difficult one than he may have at first imagined, and that as we are indebted almost as much to the intimate relations we have maintained with the Turkish Government, and the friendly feeling that prevails towards us among the Turkish people, as to any positive stipulation for the freedom and protection which our missionaries have hitherto enjoyed, so it may be more wise rather to continue to cultivate those intimate relations and that friendly feeling than to rush inconsiderately into a course of angry and vituperative contention, which will not increase our rights, and will most probably deteriorate our position.

I have, &c.

(Signed) HENRY L. BULWER.

No. 84.

Sir H. Bulwer to Earl Russell,—(Received January 21.)

My Lord,

Cairo, January 10, 1865.

I HAVE received the copy of your Lordship's despatch to Mr. Stuart of the 15th ultimo, relative to the missionary case. Your Lordship says most justly my position was a very difficult and painful one. The missionaries called on me to support steps which they had taken without consulting with me, and in some respects against what had been and would have again been, my advice; the Porte by acting violently and precipitately placed itself in the wrong even where the principles it acted on were justifiable. The missionaries exaggerated their rights; the Porte exaggerated perhaps the acts of the missionaries; I acted according to the best of my judgment under all these circumstances, and I am very grateful to your Lordship for the expressions which relate to my conduct.

I have, &c.

(Signed) HENRY L. BULWER.

TURKEY.

Correspondence respecting Protestant Missionaries
and Converts in Turkey.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1865.*

LONDON :

PRINTED BY HARRISON AND SONS.

TREATY OF COMMERCE

BETWEEN

HER MAJESTY AND THE ZOLLVEREIN.

Signed at Berlin, May 30, 1865.

Presented to both Houses of Parliament by Command of Her Majesty.
1865.

LONDON :
PRINTED BY HARRISON AND SONS.

Treaty of Commerce between Her Majesty and the Zollverein.

Signed at Berlin, May 30, 1865.

[Ratifications exchanged at Berlin, June 30, 1865.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the one part; and,

His Majesty the King of Prussia in his own name, and representing the sovereign States and territories united to the Prussian system of Customs and contributions, that is to say, the Grand Duchy of Luxemburg, the enclaves of the Grand Duchy of Mecklenburg-Schwerin, Rossow, Netzeband, and Schoenberg, the Principality of Birkenfeld belonging to the Grand Duchy of Oldenburg, the Duchy of Anhalt, the Principalities of Waldeck and Pyrmont, the Principality of Lippe, and the Grand Bailiwick of Meisenheim belonging to the Landgraviate of Hesse, as well as in the name of the other members of the German Association of customs and commerce, that is to say, the Crown of Bavaria, the Crown of Saxony, the Crown of Hanover, as well for itself as for the Principality of Schaumburg-Lippe, and the Crown of Wurtemberg, the Grand Duchy of Baden, the Electorate of Hesse, the Grand Duchy of Hesse, as well for itself as for the Bailiwick of Homburg belonging to the Landgraviate of Hesse, the States forming the Customs and Commercial Union of Thuringia, viz., the Grand Duchy of Saxony, the Duchies of Saxe-Meiningen, of Saxe-Altenburg, of Saxe-Coburg-Gotha, the Principalities of Schwarzburg-Rudolstadt and of Schwarzburg-Sondershausen, of the elder branch of Reuss and of the younger branch of Reuss, the Duchy of Brunswick, the Duchy of Oldenburg, the Duchy of Nassau, and the Free Town of Frankfort, on the other part;

Being equally animated by the desire of regulating and extending the commercial relations between the United Kingdom of Great Britain and Ireland, and its dependencies, and the Zollverein, have resolved to conclude a Treaty for that purpose, and have named as their Plenipotentiaries, that is to say:

IHRE Majestät die Königin des Vereinigten Königreiches von Grossbritannien und Irland, einer Seits; und

Seine Majestät der König von Preussen, sowohl für Sich und in Vertretung der Ihrem Zoll- und Steuersystem angeschlossenen souverainen Länder und Landestheile, nämlich: des Grossherzogthums Luxemburg, der Grossherzoglich Mecklenburgischen Enklaven Rossow, Netzeband und Schönberg, des Grossherzoglich Oldenburgischen Fürstenthums Birkenfeld, des Herzogthums Anhalt, der Fürstenthümer Waldeck und Pyrmont, des Fürstenthums Lippe und des Landgräflich Hessischen Oberamtes Meisenheim, als im Namen der übrigen Mitglieder des Deutschen Zoll- und Handelsvereins, nämlich: der Krone Bayern, der Krone Sachsen, der Krone Hannover, sowohl für Sich wie für das Fürstenthum Schaumburg-Lippe, und der Krone Württemberg, des Grossherzogthums Baden, des Kurfürstenthums Hessen, des Grossherzogthums Hessen; sowohl für Sich wie für das Landgräflich Hessische Amt Homburg, der den Thüringischen Zoll- und Handelsverein bildenden Staaten, namentlich: des Grossherzogthums Sachsen, der Herzogthümer Sachsen-Meiningen, Sachsen-Altenburg, Sachsen-Coburg und Gotha, der Fürstenthümer Schwarzburg-Rudolstadt und Schwarzburg-Sondershausen, Reuss älterer und Reuss jüngerer Linie, des Herzogthums Braunschweig, des Herzogthums Oldenburg, des Herzogthums Nassau und der freien Stadt Frankfurt, anderer Seits;

Von dem gleichen Wunsche geleitet, die Handels-Beziehungen zwischen dem Vereinigten Königreiche von Grossbritannien und Irland und den ihm angehörenden Gebieten und dem Zollvereine zu regeln und auszudehnen, haben beschlossen, einen Vertrag zu diesem Zwecke abzuschliessen, und zu Ihren Bevollmächtigten ernannt, nämlich:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Francis Baron Napier of Merchiston, a Peer of Scotland, a Baronet of Nova Scotia, a member of Her Britannic Majesty's Privy Council, Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the King of Prussia, &c.; and John Ward, Esquire, Her Majesty's Chargé d'Affaires and Consul-General to the Hanse Towns, and Consul-General in Hanover, Oldenburg, &c.;

And His Majesty the King of Prussia, M. Otto Eduard Leopold von Bismarck Schoenhausen, President of his Ministry of State, and Minister of Foreign Affairs; M. Johann Friedrich von Pommer Esche, his Actual Privy Councillor; M. Alexander Maximilian Philipsborn, Director in his Ministry of Foreign Affairs; and M. Martin Friedrich Rudolph Delbrück, Director in his Ministry for Commerce, Trade, and Public Works;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The subjects of Her Britannic Majesty who dwell either temporarily or permanently in the States of the Zollverein, and the subjects of the States of the Zollverein who dwell either temporarily or permanently in the dominions or possessions of Her Britannic Majesty, shall enjoy therein, in respect to the exercise of commerce and trades, the same rights as, and be subjected to no higher or other taxes than, the subjects of any third country the most favoured in those respects.

ARTICLE II.

The produce and manufactures of the dominions and possessions of Her Britannic Majesty which may be imported into the Zollverein, and the produce and manufactures of the States of the Zollverein which may be imported into the United Kingdom of Great Britain and Ireland, whether intended for consumption, warehousing, re-exportation, or transit, shall therein be treated in the same manner as, and in particular shall be subject to no higher or other duties than, the produce and manufactures of any third country the most favoured in those respects.

Ihre Majestät die Königin des Vereinigten Königreiches von Grossbritannien und Irland: den sehr ehrenwerthen Francis Baron Napier von Merchiston, Pair von Schottland und Baronet von Nova Scotia, Mitglied Ihrer Britischen Majestät Geheimen Rathes, Ihrer Majestät ausserordentlichen und bevollmächtigten Botschafter bei Seiner Majestät dem Könige von Preussen, &c.; und den Herrn John Ward, Ihrer Majestät Geschäftsträger und General-Consul bei den Hansestädten und General-Consul in Hannover, Oldenburg, &c.;

Und Seine Majestät der König von Preussen: den Herrn Otto Eduard Leopold von Bismarck-Schönhausen, Allerhöchst Ihren Präsidenten des Staatsministeriums und Minister der auswärtigen Angelegenheiten; den Herrn Johann Friedrich von Pommer Esche, Allerhöchst Ihren Wirklichen Geheimen Rath; den Herrn Alexander Maximilian Philipsborn, Allerhöchst Ihren Director im Ministerium der auswärtigen Angelegenheiten; den Herrn Martin Friedrich Rudolph Delbrück, Allerhöchst Ihren Director im Ministerium für Handel, Gewerbe und öffentliche Arbeiten;

Welche, nach gegenseitiger Mittheilung ihrer in guter und gehöriger Form befundenen Vollmachten, die nachstehenden Artikel vereinbart und abgeschlossen haben:—

ARTIKEL I.

Die Unterthanen Ihrer Britischen Majestät, welche in den Staaten des Zollvereins, und die Unterthanen der Staaten des Zollvereins, welche in den Gebieten oder Besitzungen Ihrer Britischen Majestät, vorübergehend oder dauernd sich aufhalten, sollen daselbst in Beziehung auf den Betrieb des Handels und der Gewerbe die nämlichen Rechte geniessen, und keinen höheren oder anderen Abgaben unterworfen werden, als die Angehörigen des in diesen Beziehungen am meisten begünstigten dritten Landes.

ARTIKEL II.

Die Boden- und Gewerbs-Erzeugnisse der Gebiete und Besitzungen Ihrer Britischen Majestät, welche in den Zollverein, und die Boden- und Gewerbs-Erzeugnisse der Staaten des Zollvereins welche in das Vereinigte Königreich von Grossbritannien und Irland eingeführt werden, sollen daselbst, sie mögen zum Verbrauch, zur Lagerung, zur Wiederausfuhr oder zur Durchfuhr bestimmt sein, der nämlichen Behandlung unterliegen, und insbesondere keinen höheren oder anderen Abgaben unterworfen werden, als die Erzeugnisse des in diesen Beziehungen am meisten begünstigten dritten Landes.

ARTICLE III.

No other or higher duties shall be levied in the Zollverein on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, nor in the dominions and possessions of Her Britannic Majesty on the exportation of any goods to the Zollverein, than are or may be levied on the exportation of the like goods to any third country the most favoured in that respect.

ARTICLE IV.

The transit of goods to and from the United Kingdom of Great Britain and Ireland shall be free from all transit duties in the Zollverein, and the transit of goods to and from the Zollverein shall be free from all transit duties in the United Kingdom of Great Britain and Ireland.

ARTICLE V.

Any favour, privilege, or reduction in the Tariff of duties of importation or exportation, which either of the Contracting Parties may concede to any third Power, shall be extended immediately and unconditionally to the other.

No prohibition of importation or exportation shall be established by either of them against the other, which shall not at the same time be applicable to all other nations.

The Contracting Parties engage not to prohibit the exportation of coal, and to levy no duty upon such exportation.

The preceding provisions respecting the prohibition of exportation shall not invalidate the obligations which the Constitution of the Germanic Confederation imposes on the German States which compose the Zollverein.

ARTICLE VI.

With regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the subjects of the States of the Zollverein shall enjoy in the United Kingdom of Great Britain and Ireland, and the subjects of Her Britannic Majesty shall enjoy in the States of the Zollverein, the same protection as native subjects.

ARTICLE VII.

The stipulations of the preceding Articles I to VI shall also be applied to the Colonies and foreign possessions of Her Britannic Majesty. In those Colonies and possessions the produce of the States of the

ARTIKEL III.

Bei der Ausfuhr nach den Gebieten und Besitzungen Ihrer Britischen Majestät, sollen im Zollverein, und bei der Ausfuhr nach dem Zollverein, sollen in den Gebieten und Besitzungen Ihrer Britischen Majestät, Ausgangs-Abgaben von keinen anderen Waaren und mit keinem höheren oder anderen Betrage erhoben werden, als bei der Ausfuhr nach dem in dieser Beziehung am meisten begünstigten dritten Lande.

ARTIKEL IV.

Die Waaren-Durchfuhr nach und von dem Vereinigten Königreiche von Grossbritannien und Irland soll im Zollverein, und die Waaren-Durchfuhr nach und von dem Zollverein, soll in dem Vereinigten Königreiche von Grossbritannien und Irland von jeder Durchgangs-Abgabe frei sein.

ARTIKEL V.

Jede Begünstigung, jedes Vorrecht oder jede Ermässigung in dem Tarif der Eingangs- und Ausgangs-Abgaben, welche einer der vertragenden Theile einer dritten Macht zugestehen möchte, wird gleichzeitig und ohne Bedingung dem anderen zu Theil werden.

Ferner wird keiner der vertragenden Theile ein Einfuhr- oder ein Ausfuhr-Verbot gegen den anderen in Kraft setzen, welches nicht gleichzeitig auf alle anderen Nationen Anwendung fände.

Die vertragenden Theile verpflichten sich, die Ausfuhr von Steinkohlen weder zu verbieten, noch mit einer Abgabe zu belegen.

Die vorstehenden auf Ausfuhr-Verbote bezüglichen Bestimmungen sollen den, aus dem Bundesverhältnisse herrührenden Verpflichtungen der zum Zollverein gehörenden Deutschen Bundesstaaten keinen Eintrag thun.

ARTIKEL VI.

In Betreff der Bezeichnung oder Etikettirung der Waaren oder deren Verpackung, der Muster und der Fabrik- oder Handelszeichen, sollen die Unterthanen der Staaten des Zollvereins in dem Vereinigten Königreiche von Grossbritannien und Irland, und die Unterthanen Ihrer Britischen Majestät in den Staaten des Zollvereins denselben Schutz wie die Inländer genießen.

ARTIKEL VII.

Die in den vorstehenden Artikeln I bis VI getroffenen Bestimmungen finden auch auf die Kolonien und auswärtigen Besitzungen Ihrer Britischen Majestät Anwendung. In diesen Kolonien und Besitzungen sollen die

Zollverein shall not be subject to any higher or other import duties than the produce of the United Kingdom of Great Britain and Ireland, or of any other country, of the like kind; nor shall the exportation from those Colonies or possessions to the Zollverein be subject to any higher or other duties than the exportation to the United Kingdom of Great Britain and Ireland.

ARTICLE VIII.

The present Treaty shall come into force on the 1st of July, 1865, and shall remain in force until the 30th of June, 1877. In case neither of the Contracting Parties shall, twelve months before the last-mentioned day, have given notice to the other of the intention to terminate the operation of the Treaty, then the same shall continue in force until the expiration of one year from the day upon which either of the Contracting Parties shall have given notice to the other to terminate the same.

ARTICLE IX.

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Berlin in three weeks,* or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Berlin, the thirtieth day of May, in the year of our Lord one thousand eight hundred and sixty-five.

(L.S.) NAPIER.
(L.S.) JOHN WARD:
(L.S.) BISMARCK.
(L.S.) V. POMMER-ESCHE.
(L.S.) PHILIPSBORN.
(L.S.) DELBRÜCK.

Erzeugnisse der Staaten des Zollvereins keinen höheren oder anderen Eingangs-Abgaben unterliegen, als die gleichartigen Erzeugnisse des Vereinigten Königreichs von Grossbritannien und Irland, oder irgend eines anderen Landes, und es soll die Ausfuhr aus diesen Kolonien oder Besitzungen nach dem Zollverein keinen höheren oder anderen Abgaben unterworfen werden, als die Ausfuhr nach dem Vereinigten Königreiche von Grossbritannien und Irland.

ARTIKEL VIII.

Der gegenwärtige Vertrag soll am 1 Juli 1865, in Kraft treten und bis zum 30 Juni 1877 in Kraft bleiben. Im Falle keiner der vertragenden Theile zwölf Monate vor diesem Tage seine Absicht, die Wirkung des Vertrages aufhören zu lassen, dem anderen kund gegeben haben sollte, soll derselbe bis zum Ablauf eines Jahres von dem Tage ab in Geltung bleiben, an welchem der eine oder der andere der vertragenden Theile denselben gekündigt hat.

ARTIKEL IX.

Der gegenwärtige Vertrag soll ratifizirt, und es sollen die Ratifikations-Urkunden binnen drei Wochen oder, wenn möglich, früher in Berlin ausgewechselt werden.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten denselben unterzeichnet und ihre Siegel begedrückt.

So geschehen zu Berlin, den dreissigsten Mai, im Jahre des Herren Eintausend achthundert und fünf und sechzig.

(L.S.) NAPIER.
(L.S.) JOHN WARD.
(L.S.) BISMARCK.
(L.S.) V. POMMER-ESCHE.
(L.S.) PHILIPSBORN.
(L.S.) DELBRÜCK.

* This term was subsequently extended by Protocol to the 30th of June.

Treaty of Commerce between Her Majesty
and the Zollverein.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1865.*

P A P E R S

RELATING TO THE

IMPRISONMENT OF BRITISH SUBJECTS

IN

ABYSSINIA.

Presented to the House of Commons by Command of Her Majesty.
1865.

LONDON:
PRINTED BY HARRISON AND SONS.

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Papers relating to the Imprisonment of British Subjects in Abyssinia.

No. 1.

Earl Russell to Consul Cameron.

Sir,

Foreign Office, February 2, 1861.

YOUR first duty on arriving in Massowah, which you will consider as the head-quarter of your Consulate, will be to make yourself acquainted with the general state of political affairs in Abyssinia.

Her Majesty's Government are so imperfectly informed in regard to what may have happened in that country since the death of your predecessor that I am unable to lay down any very precise rules for the guidance of your conduct.

The civil war which prevailed at that time may have been brought to a conclusion decidedly favourable to one or other of the contending parties, or it may still prevail with the alternate success of either.

It seems to Her Majesty's Government undesirable that you should avow yourself the partizan of either of the contending parties if the contest is still going on. Whatever interest Her Majesty's Government may have in Abyssinia can best be advanced by the tranquillity of the country; but if the British Agent becomes the partizan of one side, the rivalry of European interests, which, however disavowed by the Governments of Europe, is almost invariably found to exist on the part of their Agents in such countries as Abyssinia, will stimulate foreign Agents to declare a partizanship for the other, and thus a civil contest will be promoted and encouraged, which would otherwise die out of itself, or very shortly be brought to a conclusion by the decided preponderance of a victorious party.

The principles, therefore, on which you should act, are—abstinence from any course of proceeding by which a preference for either party should be imputable to you; abstinence from all intrigues to set up an exclusive British influence in Abyssinia; and lastly, the promotion of amicable arrangements between the rival candidates for power.

Her Majesty's Government are aware that religious rivalry has contributed its share to promote dissension in Abyssinia, but such rivalry should receive no countenance from a British Agent; on the contrary, his study should be to extend as far as possible general toleration of all Christian sects, as being most consistent with the doctrines of Christianity and with sound policy. The British Government claim no authority to set up or advocate in a foreign country one sect of Christianity in preference to another: all that they would urge upon the rulers of any such country is to show equal favour and toleration to the professors of all Christian sects.

But although it is not desirable that you should engage in a contest with the Agent of any other Power for superiority of influence, or that you should openly exhibit suspicion or jealousy of his proceedings, or of the influence which he may be supposed to have acquired, it will be your duty closely to watch any proceedings which may tend to alter the state of possession either on the sea-coast or in the interior of the country, and you will keep Her Majesty's Government at home, and Her Majesty's Governor-General of India, fully informed of all matters of interest which may come under your observation, sending your despatches under flying seal in the one case through Her Majesty's Agent and Consul-General in Egypt, and in the other through the Political Agent at Aden.

In addition to matters of a political or commercial nature, you will pay particular attention to any Traffic in Slaves which may be carried on within your district, and report fully upon the same; and you will further avail yourself of any suitable opportunity to impress upon any native Rulers who may directly or indirectly encourage or permit such a Traffic the abhorrence in which it is held by the British Government, and the dislike with which any parties who may have recourse to it are likely to be regarded in this country.

I am, &c.
(Signed) RUSSELL.

No. 2.

Earl Russell to Consul Cameron.

Foreign Office, November 13, 1861.

Sir,
THE Queen having learnt that the King of Abyssinia paid a ransom for the late Mr. Consul Plowden, and Her Majesty being desirous of making some acknowledgment for the kindness shown by the King to one of her officers, she has directed that a suitable present should be sent through you to the King; and I therefore transmit to you a rifle and a pair of revolver pistols, which you will deliver to the King as soon after your arrival in Abyssinia as you have an opportunity of doing so.

I am, &c.
(Signed) RUSSELL.

No. 3.

The King of Abyssinia to the Queen of England.—(Received February 12, 1863.)

(Translation.)

IN the name of the Father, of the Son, and of the Holy Ghost, one God in Trinity, chosen by God, King of Kings, Theodoros of Ethiopia to Her Majesty Victoria, Queen of England. I hope your Majesty is in good health. By the power of God I am well. My fathers the Emperors having forgotten our Creator, he handed over their kingdom to the Gallas and Turks. But God created me, lifted me out of the dust, and restored this Empire to my rule. He endowed me with power, and enabled me to stand in the place of my fathers. By His power I drove away the Gallas. But for the Turks I have told them to leave the land of my ancestors. They refuse. I am now going to wrestle with them. Mr. Plowden, and my late Grand Chamberlain, the Englishman Bell, used to tell me that there is a great Christian Queen, who loves all Christians. When they said to me this, "We are able to make you known to her, and to establish friendship between you," then in those times I was very glad. I gave them my love, thinking that I had found your Majesty's goodwill. All men are subject to death, and my enemies, thinking to injure me, killed these my friends. But by the power of God I have exterminated those enemies, not leaving one alive, though they were of my own family, that I may get, by the power of God, your friendship.

I was prevented by the Turks occupying the sea-coast from sending you an Embassy when I was in difficulty. Consul Cameron arrived with a letter, and presents of friendship. By the power of God I was very glad hearing of your welfare, and being assured of your amity. I have received your presents, and thank you much.

I fear that if I send Ambassadors with presents of amity by Consul Cameron, they may be arrested by the Turks.

And now I wish that you may arrange for the safe passage of my Ambassadors everywhere on the road.

I wish to have an answer to this letter by Consul Cameron, and that he may conduct my Embassy to England. See how the Islam oppress the Christian.

No. 4.

*Earl Russell to Consul Cameron.*Sir, *Foreign Office, April 22, 1863.*

WITH reference to your despatch of the 31st of October last, I have to state to you that it is not desirable for Her Majesty's Agents to meddle in the affairs of Abyssinia, and you would have done better had you returned to your post at Massowah when the King told you to do so. This it will be right that you should do at once, and you will remain at Massowah until further orders.

You will of course keep Her Majesty's Government fully and accurately informed of French proceedings in Abyssinia.

I am, &c.
(Signed) **RUSSELL.**

No. 5.

*Mr. Murray to Consul Cameron.*Sir, *Foreign Office, August 13, 1863.*

I AM directed by Earl Russell to acknowledge the receipt of your despatch of the 31st of March last, suggesting that you should be formally authorized to purchase what you may require, whenever possible, with the view of freeing yourself from the interference of the King of Abyssinia's officers.

In reply, I am to refer you to Lord Russell's despatch of the 22nd of April last, and to state to you that as you have been ordered to return to and remain at Massowah, your proposal need not be considered.

I am also to remind you with reference to the expressions "Envoy" and "Mission" which repeatedly occur in your despatch, that as Her Majesty's Consul at Massowah, you hold no representative character in Abyssinia.

I am, &c.
(Signed) **JAMES MURRAY.**

No. 6.

*Earl Russell to Consul Cameron.*Sir, *Foreign Office, September 8, 1863.*

I HAVE received from Her Majesty's Agent and Consul-General in Egypt your despatches of the 20th May last; and I have to state to you that Her Majesty's Government do not approve your proceedings in Abyssinia, nor your suggestions founded upon them.

I have only to desire that you will abstain from all interference in the internal affairs of that country, and that you will remain at your post at Massowah, hither you were ordered by my despatch of the 22nd of April last, to return and reside.

I am, &c.
(Signed) **RUSSELL.**

No. 7.

*Dr. Beke to Earl Russell.—(Received April 29.)*My Lord, *11, Austin Friars, April 28, 1864.*

I TAKE the liberty of respectfully informing your Lordship that shortly after the date of the distressing occurrences in Abyssinia, of which intelligence has

already reached your Lordship's Department, a messenger arrived at Gondar from Massowah, with letters which had just been received from Europe.

Owing to the unfortunate position of affairs at that time, the whole of those letters fell into the hands of the King, who had them translated to him. And I regret to say that among them was one from your Lordship's Department to Consul Cameron, ordering him forthwith to leave the Court and return to his Consulate at Massowah, than which nothing could have happened more unfortunately at that particular juncture.

Whether Captain Cameron will have been permitted by King Theodore to obey your Lordship's orders is, at the least, questionable. At all events, it is not improbable that some time will elapse before that officer will be able to communicate with your Lordship, especially as Lieutenant Speedy, whom he had left in charge of the Consulate, has, I hear, left Massowah for Australia.

The Rev. Mr. Stern's sentence of death has been commuted for imprisonment for life.

The deep interest I have so long felt in everything affecting the relations between England and Abyssinia, and my sense of the importance of keeping your Lordship advised of all that occurs in that remote country will, I trust, afford a sufficient apology for the present communication.

I have, &c.

(Signed) CHARLES BEKE.

No. 8.

Dr. Beke to Earl Russell.—(Received May 18.)

My Lord,

11, *Austin Friars*, May 18, 1864.

I HAVE been honoured with Mr. Murray's letter of the 4th instant, conveying to me your Lordship's thanks for the information relative to the affairs of Abyssinia which I took the liberty of communicating to your Lordship in my letter of the 28th ultimo.

Since the date of my said letter further information of great importance has been received from Abyssinia; but as I have been given to understand that your Lordship has been made acquainted with all the particulars, it is unnecessary for me to dwell on them here.

But the increased urgency of the subject (which I fear is only likely to go on increasing) emboldens me to address your Lordship again, for the purpose of most respectfully renewing the offer of my humble services, in case they can be of any avail to Her Majesty's Government in the present emergency.

In doing so, I would beg leave to repeat to your Lordship that I resided three years in Abyssinia, visiting its remotest provinces; that I have since been in constant relations with that country, as my frequent communications to your Lordship's Department and to the Board of Trade will testify; and that I am familiar with its language, and intimately acquainted with its affairs, political, religious, commercial, and social.

I have, &c.

(Signed) CHARLES BEKE.

No. 9.

Major Plowden to Mr. Layard.—(Received June 8.)

Sir,

5, *West Road Terrace, Forest Hill*, June 4, 1864.

WITH reference to the subject of British prisoners in Abyssinia introduced last night in the House of Commons, I most respectfully have the honour to offer my services to the Secretary of State for Foreign Affairs, with the object of obtaining the release of Captain Cameron and other British subjects in Abyssinia.

I beg to inclose testimonials from most distinguished officers and gentlemen, together with a record of my services in India, and I beg to add that I have been selected on more than one occasion in India to perform duties of a most arduous nature. I continue to be in the vigour of health and activity, and should my services be accepted I will do my utmost to perform with zeal and ability any duty that may devolve on me.

I am a relative of the present Consul at Abyssinia, and the late Consul, Mr. Walter Plowden, was my first cousin. May I add, as a soldier, I am ready at a moment's call?

I have, &c.
(Signed) EDMUND C. PLOWDEN,
Major, Her Majesty's Indian Forces, Retired List.

No. 10.

Mr. Dufton to Mr. Hammond.—(Received June 23.)

Sir,

Leeds, June 4, 1864.

IF you see no objection I should be glad if you would do me the favour to call my Lord Russell's or Mr. Layard's attention to a paragraph headed "Persecution in Abyssinia of British subjects," which you will find on page 5 of this day's "Intelligencer," a copy of which I forward you by this post. It appears from Mr. Layard's reply to a question put to him in the House on this subject last night, that the Government are in much need of direct and reliable information.

My son having spent four months at the Abyssinian Court last year had good opportunities of not only judging of King Theodore's character but also of ascertaining something of his feeling towards England; and entertaining a lively interest in the welfare of the individuals who are reported to be in chains, many of whom are personally known to him, he is at once prepared to be the bearer of a despatch from our Government to His Abyssinian Majesty.

Apologizing for thus troubling you, I am, &c.

(Signed)

HENRY DUFTON.

Inclosure in No. 10.

Extract from the "Intelligencer" of June 4, 1864.

PERSECUTION IN ABYSSINIA OF BRITISH SUBJECTS.—"A SHORT time ago it was reported that the Rev. Mr. Stern, a missionary, we believe, of the London Society for Promoting Christianity among the Jews, had been publicly whipped by order of Theodorus, the so-called Emperor of Abyssinia. Later accounts from the same quarter confirm the intelligence, and seem to imply further, that for some cause or other Theodorus has commenced a general persecution of all British subjects within his territories, including our Consul, Captain Cameron.

"The following is a verbatim copy of a notice which Captain Cameron succeeded in getting conveyed to Massowah:—

"Myself, Stern, Rosenthal, Cairnes, Bardel, M'Cravie, and Mr. Kilvie are all chained here. Flad, Staiger, Brandeis, and Cornelius sent to Gaffat to work for King. No release until civil answer to King's letter arrives. Mrs. Flad, Mrs. Rosenthal and children, all of us well. Write this to Aden, and to Mrs. Stern, 16, Lincoln's-inn-fields. Gondar, 14th February, 1864."

"We are perfectly at a loss to conceive what can have induced so sudden a charge of conduct on the part of the Emperor Theodorus. Up to a very recent period he was the sworn friend of the English, who had generally sided with him in the policy which, within the last ten years, has raised him from the rank of a provincial governor to that of supreme ruler over the whole of Abyssinia, including Shoa. In 1860 he paid a large sum of money to ransom our late Consul Plowden from the hands of the rebels in Tigre, who had wounded and seized him while travelling towards the coast. Plowden's death was avenged by the Englishman Bell, who had long been Commander-in-chief of the Abyssinian army. Bell himself fell in the attempt, but the victory which he had gained over the rebels paved the way for the subjection of the whole of Tigre to the authority of Theodorus.

"Such having been the friendly relations between the Emperor and the few Englishmen settled in Abyssinia, we cannot imagine what has caused the present state of hostility, and purposely abstain from publishing the surmises which have reached us on the subject. What we are most anxious to know is, what steps the Foreign Office has taken to obtain the release of our countrymen and countrywomen, who appear to have been in chains at Gondar for the last four months at least."—*Morning Herald.*

Our fellow-townsmen, Mr. Dufton (son of Mr. H. Dufton, cloth merchant), in a communication we have received from him, gives it as his opinion, founded on information obtained during a six months' residence in Abyssinia in 1863, during which he had several interviews with King Theodore, that the displeasure of that monarch towards Captain Cameron and our fellow-subjects, though manifesting itself on the occasion of their interference on behalf of Mr. Stern, is really due to the neglect or delay of our own Government in not replying to the letter which the Abyssinian King despatched to Queen Victoria in some part of 1862. The purport of the letter was to ascertain the willingness of Her Majesty to receive Ambassadors from the Ethiopian Court, and also whether such Ambassadors could be guaranteed a safe passage through the territory of the Pasha of Egypt, with whom King Theodore is not on good terms. With the Ambassadors the King also purposed sending some of the richest presents his dominions afforded, including Abyssinian breeds of horses, gold and silver-mounted saddles and trappings, armour, shields, and spears. Now, the non-receipt of a favourable reply would be apt to present itself to the King as a sign of indifference, if not something approaching to ingratitude, on our part.

His good feeling towards the English nation is unquestionable, this having been fully guaranteed by the faithful services, during more than twenty years, of our fellow-countrymen Plowden and Bell. The King's revenge for the death of the latter was the slaughter of 3,000 of his own people; and he is even now often known to weep at the remembrance of him whom he had made his bosom companion and friend. He has been known to say, in the expressive idiom of the East, that were an Englishman to present him with poison, he knowing it to be such would take it at his hands for the love he bears to the nation. His ambition is very great, and having gone on hitherto in his conquering career with little check or hindrance, he is prone to look upon himself as having already attained (though such is far from being the case) the object for which he says he lives, namely, the re-uniting of all the territories originally called Ethiopia into one vast Empire. His title is King of Kings, or Emperor of Ethiopia! The neglect—for in this light he will certainly view it—of our Government in not replying to his letter must consequently be somewhat offending to his pride, and also liable to excite his indignation, as humbling him in the sight of his people, and thereby endangering the stability of his throne.

These persecutions by the King of Abyssinia were the subject of remark in the House of Commons yesterday (Friday) evening. Mr. Layard, the mouthpiece of the Foreign Office, in reply to Mr. Seymour, said that the Government had received indirect information that the King had placed the British Consul and several missionaries in confinement; and that the French Consul had also been imprisoned, but he had been released. How it is that our own Representative should suffer more than that of France, we shall perhaps learn at some other day. According to what Mr. Dufton says—and we have full confidence in his statement of facts and in the correctness of his inferences—the Palmerston Government is far from being blameless in the production of the untoward state of things which now exists in Abyssinia. Mr. Layard, according to official precedent, assured the House that “the question”—the imprisonment of the British Consul and other British subjects—“was under the serious consideration of the Foreign Office.”

No. 11.

Memorandum by Brigadier-General Coghlan on the Abyssinian Difficulty, and how best to get out of it.

1. IT is assumed that Her Majesty's Government desire chiefly the speedy release of the British subjects, and also of other Europeans now held captive by the King Theodorus.

2. That any further relations with Abyssinia, except as they may affect that object, are not desired by Her Majesty's Government.

3. But that the King's proposal to send a distinguished Abyssinian Embassy to Her Majesty may be entertained, if considered necessary to the object in view, viz., the release of the captives.

4. The difficulty in this case is to open any communication with one who has so grossly violated the rules of civilization and of international law, as to seize and torture British subjects, one of whom is a British Consul.

5. Mr. Rassam, from Aden, is the bearer of a letter from Her Majesty to Theodorus, but Mr. Rassam not having been received by the King, that letter may be considered cancelled, and should not now be delivered.

6. If that letter recognizes the fact that British subjects are held in captivity and have been maltreated, it may be well that it should not be delivered. It would be easier to address King Theodorus if Her Majesty had no knowledge of the condition of her subjects at his Court.

7. Theodorus is a *parvenu*; a powerful despot of high aspirations and strong will, but he is not a savage.

8. There are probably several causes for his altered demeanour towards Captain Cameron, the British Consul; one only need now be specified, but that is believed to be the chief of them: it is the long delay in replying to the letter which he addressed to Her Majesty in December 1862 or January 1863.

9. It is understood that his dignity is grievously wounded by the silence, which he accepts as an affront; and this sense of injury, coupled with other circumstances, has led to the deplorable state of affairs now existing at Gondar.

10. Also, there is reason to believe that the King refuses Mr. Rassam's mission as one which is not of sufficient dignity; that Mr. Rassam is in fact a mere messenger and not an Envoy: hence the contemptuous silence with which his letters and requests have been treated.

11. All that has been assumed in the preceding paragraphs can be proved by reference to known facts if necessary. Inquiry into the "other circumstances" alluded to in paragraph 9 would inconveniently lengthen this Memorandum, which is intended only as a brief statement of the existing difficulty, and a suggestion as to the best means of overcoming it.

12. If any further effort is to be made to release the captives, it must be by means of an Embassy, headed by an officer of rank, who should be supported by such a suite as would give dignity to his Mission; a Secretary (a military officer), two or three officers of the scientific corps or departments, and a medical officer, should be of the party; these could be supplied either from England, or from Bombay, or from Aden.

13. Theodorus is known to attach great importance to military rank and to scientific men; on that account, therefore, a liberal display will be expedient.

14. A supply of presents should be provided, to be delivered or not according to circumstances.

15. The Embassy would carry a Queen's letter, the style and substance of which require careful consideration. It should be indited in Oriental phraseology, highly emblazoned and sealed (the King will consider nothing valid which is not sealed); in it the Embassy should be introduced and recommended: some general compliments on Government, and particularly on the abolition of the Traffic in Slaves, could be appropriately introduced; some excuse made for the delay in replying to the King's letter, and his proposed Mission from Abyssinia to England should be accepted, its details being left to be arranged by the Queen's outgoing Envoy, the bearer of Her Majesty's letter.

16. It is suggested that the Queen's letter should make no mention of the captives, their case being supposed to become known to the Envoy on his way out; but if this suggestion be over-ruled, the letter may express surprise and regret at their condition, and request the King to hand them over to Her Majesty's Envoy, who, it should be stated, has authority to inquire into the circumstances alleged against them.

17. Arrived at Cairo the Envoy should endeavour to secure the services of two Abyssinian monks or priests; if not procurable there they might speedily be got from Jerusalem: these men should be treated with liberal consideration; they should be impressed with the dignity of the Mission, and induced to interest themselves in its ultimate object. They, or at least one of them, would be the fittest messenger to be despatched from the coast to Gondar, carrying a letter from the Envoy announcing his arrival "bearing a letter from the Queen," and soliciting from King Theodorus the necessary escort and carriage to Gondar.

18. The Copts at Jerusalem have lately treated the Abyssinians badly, hence it is not unlikely that the Patriarch (at Cairo) may be indisposed to do anything which may tend to bring about a better understanding betwixt the English Government and Theodorus. These under-currents of intriguing self-interest should be carefully studied at Cairo, and the Mission authorized to avail themselves of the Patriarch's intervention or not as might be judged most prudent.

19. Indeed, at every stage of this delicate and difficult negotiation, the Mission should be invested with a large discretion to meet the varied circumstances which may arise, and which cannot be foreseen.

20. There are reasons for doubting the goodwill of the Coptic Patriarch towards Her Majesty's Government, and it is far from certain that he possesses any great influence over King Theodorus; these and other kindred questions justify the claim for a liberal discretion being accorded to Her Majesty's Envoy.

21. The Governor of Bombay should be requested to send to Aden a second steamer, in addition to the one which belongs to the Aden Residency.

22. The Mission being formed at Aden should proceed with two steamers to Adulis, whence one or both the Coptic priests would be despatched *viâ* Hallai, carrying a letter from the Envoy as suggested in paragraph 17; this route is preferable to that *viâ* Massowah.

23. After the despatch of the messengers the steamers could visit Massowah for water and provisions, returning to Adulis to receive the King's reply; or the interval might be occupied, if found practicable, by an inquiry into the questions of coal discovery in that neighbourhood, which are already before Her Majesty's Government in the India Department, as well as at the Board of Trade and the Foreign Office; but this, important as it may be, is of inferior interest to that of the object of the Mission, and it should be entertained only on that understanding.

24. At this stage of proceeding, if the policy suggested at the first part of paragraph 16, *ante*, be approved, the Envoy might, as on his own responsibility, address the King on the subject of the captives, expressing the hope that they had done nothing to incur his displeasure, and requesting that, in any case, they should be released in order that the projected interview might be on the most friendly footing, &c. Or if Her Majesty's Government should think it necessary to recognize the captivity of the Consul and other British subjects (and Europeans of other nations), it should be solicited that they be made over to the Envoy as suggested at conclusion of paragraph 16.

25. Supposing all to run smoothly; the British Mission to reach Gondar; to be well received there; and the captives to be released; then will arise the more delicate task of obtaining from the King some apology as a reparation for the wrong committed on Her Majesty's subjects; for without such acknowledgment it will be impossible to bring away the Mission from Abyssinia which King Theodorus desires to send to England.

26. This, perhaps, will be the severest test of the diplomatic skill of the British Embassy; there is, however, no solid reason to despair of success; on the contrary, it may be hoped that a Mission dignified in its constitution, liberal in outlay, moderate in demands, and circumspect in conduct, will so highly gratify the pride of the King that he will make no difficulty in the matter of tendering such apology as may be acceptable to Her Majesty's Government.

27. Lastly, it remains to consider if any alternative process is open by which this object can be attained. It is believed that there is none. Suggestion has been offered that Egyptian forces might be sent to compel Theodorus to surrender his captives; but, apart from the doubtful value of any warlike aid to be obtained from Egypt (if even it could be obtained at all), it must be remembered that Theodorus is alleged to have sworn to put all his prisoners to death immediately on any foreign invasion of his country to effect their release.

28. In the possible event of the release of the captives before the arrival of the Mission, and on a certainty that they had removed beyond the power of the King, it is presumed that Her Majesty's Government would not desire the Mission to go on. British subjects might be warned, and the Mission would return.

29. And, similarly, in the dreadful possibility of the death of the captive British subjects, whether by violence or by disease, there would remain no sufficient object for the further proceeding of a Mission; in that sad case, it would be for Her Majesty's Government to consider what steps might be taken to avenge the injury; but a friendly Mission would be incompatible.

30. The existing difficulty is one which cannot be surmounted by force, and the circumstances are so peculiar that no very strict line of diplomacy can be marked out for the guidance of the officer who may be entrusted by Her Majesty with the conduct of the undertaking.

(Signed) W. M. COGHLAN.

February 8, 1865.

P.S.—The foregoing Memorandum was written before Mr. Rassam's letter of the 28th December arrived.

I have since received a letter from Aden, dated 21st January; the writer (a Hindoo) mentions Mr. Rassam as still at Massowah. Indeed, the position of affairs is much as it was four months ago.

Rassam is correct in judging that an ultimatum (as he calls it) would be dangerous.

I am still of opinion that the proper course will be to send a Mission as recommended in this Memorandum. In the meanwhile Rassam might be instructed to retain the Queen's letter for the present, as it would be (in that case) superseded by a new one.

February 10, 1865.

W. M. C.

No. 12.

Dr. Beke to Earl Russell.—(Received February 14.)

My Lord,

Bekesbourne, February 13, 1865.

I TAKE the liberty most respectfully of renewing the offer made to your Lordship in the months of March and May last year, that I should go to Abyssinia for the purpose of obtaining the liberation of Her Majesty's Consul at Massowah, the Protestant missionaries and other British subjects, then and ever since kept in captivity by the Sovereign of that country.

Believing myself, without presumption, to be the person best qualified to undertake a mission of this peculiar character, I feel it to be my duty once more to place my humble services at your Lordship's disposal.

I have, &c.

(Signed) CHARLES BEKE.

No. 13.

Dr. Beke to Earl Russell.—(Received April 1.)

My Lord,

Bekesbourne, March 31, 1865.

WITH reference to the letter which I had the honour to address to your Lordship on the 13th February, and to the interview with which your Lordship favoured me on the 17th of the same month, I now beg leave to renew the offer of my services, with a view to the liberation of Mr. Consul Cameron and the other British captives in Abyssinia.

I have, &c.

(Signed) CHARLES BEKE.

No. 14.

Major Leveson to Earl Russell.—(Received April 6.)

My Lord,

6, Lansdowne Terrace West, Brighton, April , 1865.

I HAVE the honour to offer my services to proceed to Abyssinia for the purpose of negotiating the release of Captain Cameron, Her Majesty's Consul, and the other persons now in confinement in that country, should your Lordship require a volunteer for such an undertaking.

Being accustomed to adventurous enterprises, having a good knowledge of Oriental languages, and understanding the character of the people, I believe that I should be able to obtain the liberation of the captives without any very great risk to myself. At any rate, I shall be only too glad to make the attempt, and in case your Lordship should see fit to entrust me with the mission, no efforts shall be wanting on my part to attain success.

I can refer your Lordship to the Secretary of State for the Colonies for any information as to my services, I having only lately returned from the West Coast of Africa, on account of a severe wound received in a skirmish near Lagos, where I was Colonial Secretary.

I have, &c.

(Signed) H. A. LEVESON.

Dr. Beke to Earl Russell.—(Received May 19.)

My Lord,

Bekesbourne, May 19, 1865.

IN the letter which I had the honour to address to your Lordship on the 29th ultimo, I took the liberty of suggesting that if the existing difficulties in the way of obtaining the liberation of the British captives in Abyssinia could not be directly met, they might, at all events, be turned; and at the interview with which I was favoured by your Lordship on the 8th instant, I briefly stated the course which, in my humble opinion, ought to be adopted.

Your Lordship seemed, however, disposed to leave the business still in the hands of Mr. Rassam.

Should all the endeavours of that gentleman prove unavailing, the time will at length arrive when, unless it be determined to abandon the captives to their fate, Her Majesty's Government must decide on adopting some other measures.

It would scarcely be consistent with the dignity of the British nation that a Mission on a larger and more magnificent scale than that of Mr. Rassam's should now replace it; for, as your Lordship argued in the House of Lords, when replying to Lord Chelmsford's inquiry, "The obvious inference would be, that the way to obtain consideration and respect from this country would be to imprison one of our Consuls."

On the other hand, it is not to be expected the British Government will go to war with the Emperor of Abyssinia for the purpose of compelling him to set the captives free.

It would, therefore, really appear that there remains no practical method of surmounting the difficulty except by adopting a totally different line of conduct towards the refractory Monarch; and, with your Lordship's permission, I would now presume to state in detail the course which, in my humble judgment, it would be advisable to pursue in order to render him amenable to reason without, at the same time, compromising the British Government or affecting the dignity of the British nation.

It is now well understood that the Emperor Theodore's ill-treatment of Her Majesty's Consul and the other European prisoners has been mainly caused by the altered policy of the British Government with respect to the relations between Egypt and Abyssinia, and that the Abyssinian Monarch hopes to induce Her Majesty's Government to retrace their steps and to continue to afford him material aid against his enemies, as was virtually done while Mr. Consul Plowden was alive, that officer having been an active partizan of the Emperor, and having lost his life while bearing arms in his cause.

Circumstanced as England is with Egypt, it is impossible for the British Government to hold out to the Emperor Theodore the hope of his receiving the further countenance of this country in his disputes with Egypt, or of his obtaining material aid in any other respect; although the transmission to Massowah of 500 stand of arms as a ransom for Her Majesty's Consul might, by some persons, and even by the Egyptian Government, be looked on as doing covertly what would be repudiated openly.

Nevertheless, it would not be difficult, I believe, to make the Abyssinian Monarch understand that by the policy now proposed to be pursued towards him by the British Government, and recommended for his adoption, he might eventually attain the object he has so much at heart; inasmuch as, by the cultivation of the arts of peace he would so aggrandize himself as to be able to cope effectually with his powerful neighbour; leaving it, however, to the progress of events to guide his judgment as to whether the continuance of peace would not be more conducive to the permanent prosperity of himself, his dynasty, and his people, than a war which might result in the ruin and destruction of them all.

In the first place, then, I would represent to the Emperor Theodore that the immense increase of power and influence among European nations acquired by Egypt during the last few years, had chiefly arisen from the extension given to the cultivation of cotton within the territories of the Viceroy; and I would represent to His Majesty that the plant which has thus suddenly caused the wealth of Egypt was introduced into that country from Upper Ethiopia only forty years ago; and that within his own dominions there are tracts of land more extensive than the whole of the cotton-grounds of Egypt, and far more fitted than the latter for the

growth of the cotton plant, not only as being its native country, but also as lying within the limits of the tropical rains, and thus rendering unnecessary the great trouble and expense of artificial irrigation. And I would hope to have it in my power to convince the Sovereign of Abyssinia that if he desires to equal, or even to surpass the Viceroy of Egypt in power, he must first seek to augment the material wealth and prosperity of his country and its inhabitants, by means similar to those so successfully adopted by the latter Potentate.

I would further represent to the Emperor of Abyssinia that he possesses within his country other sources of wealth far greater than any enjoyed by the Ruler of Egypt, such, in fact, as have so largely contributed to make England what she is. These are iron and coal.

The former article is well known to exist in unlimited quantities throughout the whole of Abyssinia, and in so pure a state as to require little more than "rolling out;" it being used by the native smiths in the manufacture of weapons of war and of agricultural and domestic implements.

The existence of coal in various parts of Abyssinia has long been asserted by travellers in that country; by myself as far back as 1840, when I reported on the subject to Captain Haines, then Political Agent at Aden; but it is only within the last few years that this has been established as a fact. In communications more recently made by me to the Board of Trade, and thence referred to your Lordship's Department, it is shown that coal of good quality exists within the district of Galeila, at a short distance from the entrance to the Red Sea; and there is reason for believing that it was the knowledge of the existence of this coal so near to the sea-shore that induced the French Government in 1862 to acquire possession of Obokh, on the Abyssinian coast, just outside the Straits of Babelmandeb.

But without taking into consideration this coal-field of Galeila, or others which are said to stretch along the line of coast northwards nearly to Massowah, and also south of the Bay of Tajurrah, below the eastern flank of the high tableland of Shoa—all of which, though in common parlance said to be situate in Abyssinia, can hardly be regarded as lying within the dominions of the Emperor Theodore—there is one extensive field which not only is situate in the heart of those dominions, but has been worked by the Emperor himself during several years past.

This coalfield lies at a distance of about fifty miles from Gondar, the capital of Abyssinia, and has been described by several Europeans who have visited it. For a length of about three miles along the right bank of the River Gwang (the upper course of the Atbœra), six seams of coal crop out, each having an uniform thickness of from 10 to 15 feet, the quality of the coal being very good, and fit for ordinary steam and other purposes, though, from its rapid combustion, it might not be suited for steam-vessels going long sea voyages. Nor, were the quality fit, could it, like the Galeila coal, be rendered available for steamers in the Indian Seas, as it lies at a distance of at least 200 miles from the sea-shore.

At present the only use made of this coal appears to be in the Imperial foundries, in which the European artizan-missionaries and others are employed in casting mortars and shells, and in constructing other implements of war. But it may well be conceived what a mine of wealth is here present, if the Emperor and his people could be brought to appreciate it at its true value, and to apply it to useful purposes.

As by means of the cultivation of cotton in Abyssinia the Emperor Theodore might be shown how he could cope with Egypt, so by the proper application of the produce of his iron and coal mines, he might be led to the hope of being eventually able to rival even England herself. And if once brought to entertain such ideas, and whilst awaiting their realization, he might without difficulty be induced to see how he could lay both nations under obligation, and in a manner make them dependent on his favour, by permitting a line of electric telegraph to be carried across his dominions.

The Viceroy of Egypt is engaged in constructing a telegraph line from Cairo up the valley of the Nile as far as Khartum, the capital of the province of Sennar, with a branch to Kasselah, the capital of the province of Taka, by means of which not only will those remote possessions in the south be placed in immediate connection with the seat of Government, but from the fact that this line is a prolongation of that already existing between Egypt and Europe, it will result that about three-fifths of a telegraphic communication between England and India (London and Kurrachee), by way of the Red Sea, will thereby be established.

Before this plan of the Viceroy of Egypt was known, I had suggested to Her

Majesty's Government, in a "Memorandum on the means of developing British commerce within the Red Sea, and of securing the communication between England and India," dated November 12, 1862, and submitted to your Lordship on the 27th of the same month, that the wires of the Red Sea telegraph line from India should be continued from the Straits of Babelmandeb, northward along the Abyssinian coast as far as Souakin, and thence carried inland to Berber on the Nile, and so up the bank of that river to Cairo; thus forming a land-line the whole way from Babelmandel to Alexandria, entirely over Turkish and Egyptian territory.

But taking into consideration the great stride which the Viceroy of Egypt is making in the desired direction; bearing also in mind the advance which during the last few years the Emperor Theodore has made towards the east and south-east by the conquest and annexation of the territories of the King of Shoa and the Chiefs of the Wollo Gallas; and having regard likewise to the hold which the Government of India, through Aden, is gaining on the Abyssinian coast, in consequence of the acquisition recently made by a British subject of the Galeila coal-field, as also of the settlement of the French at Obokh, I am now decidedly of opinion that the telegraphic communication between England and India, through Egypt and Aden, should and might easily be effected by continuing the Egyptian line from Khartum across Abyssinia to the sea-coast, in the immediate vicinity of the Island of Perim, and thence to Aden.

On the accompanying map I have marked the proposed line of telegraph, and in explanation of the same I would beg leave to state that the entire distance between Khartum and Aden is (in round numbers) 850 geographical miles, which distance may be divided into four portions.

Of the first of these, being from Khartum to Kalabat, on the western frontier of Abyssinia, the length is 250 miles; the next, from Kalabat to Dowe, the great market-place on the eastern edge of the Abyssinian table-land, has a length of 300 miles; the third, from Dowe, across the country of the Dankili tribes, to the shore of the Red Sea opposite Perim, is 200 miles; whilst the last portion, from Perim to Aden, is 100 miles.

The condition of these several portions of the line is very different. The first, between Khartum and Kalabat, and the last, between Perim and Aden, forming together 350 miles, or about two-fifths of the whole length, would be respectively Egyptian and British; no further remarks, therefore, are requisite as regards them. Of the remaining 500 miles, the third portion, between the sea-coast and the eastern edge of the Abyssinian table-land, being 200 miles in length, may be regarded as being so far under the influence, if not the absolute control, of the British Governor of Aden, on the one hand, and of the Emperor of Abyssinia, on the other, that, between the two, the road might be kept open as securely as it is among the tribes occupying the regions through which passes the Euphrates Valley Telegraph line to India.

As regards the third portion of 300 miles, across Abyssinia itself, the road is already marked out by Nature and by the experience of the natives. It runs from Kalabat by Wekhni, Gondar, and Deha Tabor, and thence, over the water-parting between the Rivers Takkazie and Bashilo, to Magdala, the impregnable fortress, arsenal, and State prison, in the district of Warra Hemano, in which Captain Cameron and his companions are confined, from whence it continues to Dowe, in the adjoining district of Warrakallu.

It may here be remarked, parenthetically, that it would be in vain to look for Magdala in the ordinary maps of Abyssinia; and that in those few in which it is marked, it is altogether misplaced.

Availing themselves of the natural facilities of this road across Abyssinia, the native merchants have from time immemorial made use of it, in a greater or less degree, according to political circumstances, as the direct channel of communication between the sea-coast and the interior. In the "Memoir on the Commerce of Abyssinia," which I had the honour to submit to your Lordship's predecessor in office on the 9th of December, 1843, I dwelt particularly on this fact, and I pointed out the advantages that would result from the reopening of this great commercial road; expressing the opinion that whenever the political condition of Abyssinia should become more settled, we should doubtless see this road resume its pristine importance, and the commerce from the coast to the interior in great part pass by this channel.

Such, then, are the arguments that I would propose to employ when approach-

ing the Emperor Theodore. I would support these arguments by presenting to him some cotton gins, together with specimens of articles of British manufacture of various descriptions capable of being made from the cotton of Abyssinia, if only he would stimulate the production of that article by his subjects.

I would further submit to the Emperor's inspection specimens of the infinite variety of articles that might be manufactured from the fine iron which his territories contain in such abundance.

Lastly, I would take with me an electric telegraph apparatus, for the purpose of exhibiting and explaining to His Majesty the use and operation of this wonderful, and to him as it would appear miraculous, invention. And in order to make him more readily and fully appreciate the channel by which I should propose to connect Abyssinia with England and the other nations of Europe, I would not enter his country at all by the way of Massowah, but would adopt the road laid down on my map as that of the proposed telegraph line; thus proving to him that the acquisition of Massowah is no longer indispensable as the channel of communication between Abyssinia and the civilized world.

I take for granted that it would be but proper to assure the Emperor Theodore that Her Britannic Majesty's Government would exert every suitable influence over the Viceroy of Egypt to induce him to desist from further aggressions on the territories or dependencies of Abyssinia; and that the mediation of Her Majesty would even be offered, with a view to the settlement of existing questions between Egypt and Abyssinia, and the determination of an equitable frontier line between the two States.

On the liberation of the British Consul and the other captives, it might (should Her Majesty's Government so decide) be promised to the Emperor Theodore that a suitable Embassy should be forthwith despatched to his Court, and that Her Majesty would, on her side, be willing to receive an Envoy from His Majesty of Abyssinia, in accordance with the stipulations of the Treaty of November 2, 1849.

Such being the line of conduct which I should propose to adopt, I once more beg leave most respectfully to tender my humble services to Her Majesty's Government.

To obviate the objection that might be made that I am not of sufficiently elevated rank to be entrusted with such a Mission, and that I do not occupy any official position, I would take the liberty of reminding your Lordship that the late Richard Cobden, though holding no official post, was not thereby disqualified from acting as mediator between the two most powerful nations in the world; and as regards myself, without thinking for a moment of comparing myself with that distinguished individual, I may be permitted to state that I have already had the honour to serve the Crown as Acting Consul at Leipzig.

And as, further, it appears that so much importance is attached to the wearing of a British uniform that a young subaltern officer, Lieutenant Prideaux, has been sent from Aden to Massowah to join Mr. Rassam, I trust it will not be regarded as presumptuous if I represent to your Lordship that I have for many years held the Commission, and am consequently entitled to wear the uniform of a Deputy-Lieutenant, which (if I mistake not) gives me rank equivalent to that of a Lieutenant-Colonel in the army.

I have, &c.
(Signed) CHARLES BEKE.

ABYSSINIA.

Papers relating to the Imprisonment of British
Subjects in Abyssinia.

*Presented to the House of Commons by Command of
Her Majesty. 1865.*

LONDON:

PRINTED BY HARRISON AND SONS.



